

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>BRIAN BONNER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 3:06-cv-00715-MHT</b>
	)	
<b>NORINCO a/k/a</b>	)	
<b>CHINA NORTH INDUSTRIES CORP.</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT CHINA NORTH INDUSTRIES CORPORATION'S  
EVIDENTIARY SUBMISSION IN SUPPORT OF ITS  
MOTION FOR SUMMARY JUDGMENT**

Defendant China North Industries Corporation hereby files the attached  
Evidentiary Submission in Support of Its Motion for Summary Judgment.

**INDEX**

Deposition of Plaintiff Brian Bonner.....	Exhibit A
Deposition of Owena Kay Knowles.....	Exhibit B
Deposition of James Tyler Knowles.....	Exhibit C
Deposition of Tyler Knowles.....	Exhibit D
Deposition of Chris Dennis.....	Exhibit E
Deposition of Bobbie Dennis.....	Exhibit F
Report of John T. Butters.....	Exhibit G

Respectfully submitted,

s/ James C. Barton, Jr.

James C. Barton, Jr. (BAR014)

Bar Number: ASB-0237-B51J

Email: jbartonjr@johnstonbarton.com

s/ Alan D. Mathis

Alan D. Mathis (MAT052)

Bar Number: ASB-8922-A59M

Email: adm@johnstonbarton.com

Attorneys for defendant

China North Industries Corporation

**JOHNSTON BARTON PROCTOR & ROSE LLP**

Colonial Brookwood Center

569 Brookwood Village, Suite 901

Birmingham, Alabama 35209

(205) 458-9400

(205) 458-9500 (FAX)

**OF COUNSEL**

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the above and foregoing with the Clerk of the Court on February 14, 2008, using the CM/ECF system, which will send notification of such filing to the following:

David J. Hodge, Esq.  
PITTMAN, DUTTON, KIRBY & HELLUMS, P.C.  
2001 Park Place North  
1100 Park Place Tower  
Birmingham, Alabama 35203

Nick Wooten, Esq.  
WOOTEN & CARLTON, P.C.  
P.O. Drawer 290  
Lafayette, Alabama 36862

Todd M. Higey, Esq.  
RICHARDSONCLEMENT, P.C.  
200 Cahaba Park Circle  
Suite 125  
Birmingham, Alabama 35242

s/ Alan D. Mathis  
Of Counsel

W0632602.DOC

# **EXHIBIT A**



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 1

Page 3

1 IN THE CIRCUIT COURT OF  
2 CHAMBERS COUNTY, ALABAMA  
3  
4 CASE NUMBER: CV-05-02  
5 Brian Bonner, et al.,  
6 Plaintiff,  
7 vs.  
8 Interstate Arms Corporation, et al.,  
9 Defendants.  
10  
11 STIPULATION  
12 IT IS STIPULATED AND AGREED by and  
13 between the parties through their respective  
14 counsel, that the videotaped deposition of  
15 Brian Joseph Bonner may be taken before Sara  
16 Mahler, CSR, at the offices of the Wooten  
17 Law Firm, at 10 Second Avenue S.E.,  
18 LaFayette, Alabama 36862, on the 8th day of  
19 June, 2006.  
20  
21 VIDEOTAPED DEPOSITION OF BRIAN JOSEPH BONNER  
22  
23 48320

1 2006, along with the exhibits.  
2 Please be advised that this is the  
3 same and not retained by the Court Reporter,  
4 nor filed with the Court.  
5 \*\*\*\*\*  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

Page 2

Page 4

1 IT IS FURTHER STIPULATED AND  
2 AGREED that the signature to and the reading  
3 of the deposition by the witness is waived,  
4 the deposition to have the same force and  
5 effect as if full compliance had been had  
6 with all laws and Rules of Court relating to  
7 the taking of depositions.  
8 IT IS FURTHER STIPULATED AND  
9 AGREED that it shall not be necessary for  
10 any objections to be made by counsel to any  
11 questions except as to form or leading  
12 questions, and that counsel for the parties  
13 may make objections and assign grounds at  
14 the time of the trial, or at the time said  
15 deposition is offered in evidence, or prior  
16 thereto.  
17 IT IS FURTHER STIPULATED AND  
18 AGREED that in accordance with Rule 5(d) of  
19 The Alabama Rules of Civil Procedure, as  
20 Amended, effective May 15, 1988, I, Sara  
21 Mahler, am hereby delivering to Todd M.  
22 Higey the original transcript of the oral  
23 testimony taken on the 8th day of June,

1 \*\*\*\*\*  
2 INDEX  
3 EXAMINATION  
4 PAGE  
5 By Mr. Higey ..... 8  
6 \*\*\*\*\*  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1 (Pages 1 to 4)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 5

1 IN THE CIRCUIT COURT OF  
2 CHAMBERS COUNTY, ALABAMA  
3  
4 CASE NUMBER: CV-05-02  
5 Brian Bonner, et al.,  
6 Plaintiff,  
7 vs.  
8 Interstate Arms Corporation, et al.,  
9 Defendants.  
10  
11 BEFORE:  
12 SARA MAHLER, Commissioner.  
13 APPEARANCES:  
14 DAVID W. HODGE, ESQUIRE, of  
15 Pittman, Hooks, Dutton, Kirby & Hellums,  
16 2001 Park Place North, Suite 1100,  
17 Birmingham, Alabama 35203, appearing on  
18 behalf of the Plaintiff.  
19 NICK WOOTEN, ESQUIRE, of the  
20 Wooten Law Firm, 10 Second Avenue S.E.,  
21 LaFayette, Alabama 36862, appearing on  
22 behalf of the Plaintiff.  
23 TODD M. HIGLEY, ESQUIRE, of Adams

Page 7

1 S.E., LaFayette, Alabama 36862, beginning at  
2 10:25 a.m., Brian Joseph Bonner, witness in  
3 the above cause, for oral examination,  
4 whereupon the following proceedings were  
5 had:  
6 VIDEOGRAPHER: Here begins  
7 videotape number one in the deposition of  
8 Brian Bonner in the matter of Brian Bonner V  
9 Interstate Arms, case number CV 2005-02.  
10 This deposition is taking  
11 place at the office of Nick Wooten in  
12 Lafayette, Alabama. Today's date is  
13 Thursday, June 8, 2006.  
14 We're on the Record at 10:28.  
15 Would Counsel present -- 10:24. Would  
16 Counsel present please identify themselves  
17 and state whom they represent.  
18 MR. HODGES: David Hodges and  
19 Nick Wooten on behalf of the plaintiff.  
20 MR. HIGLEY: Todd Higley on  
21 behalf of Interstate Arms.  
22 MR. GILLUM: Randolph Gillum,  
23 for Paul Goodey.

Page 6

1 and Reese, 2100 Third Avenue North, Suite  
2 1100, Birmingham, Alabama 35203, appearing  
3 on behalf of the Defendant, Interstate Arms.  
4 CURT JOHNSON, ESQUIRE, of Johnson,  
5 Caldwell & McCoy, 117 North Lanier Avenue,  
6 Suite 201, Lanett, Alabama 36863, appearing  
7 on behalf of the Defendant, Interstate Arms.  
8 RANDOLPH GILLUM, ESQUIRE, of  
9 Rogers & Associates, 3000 Riverchase  
10 Galleria, Suite 650, Birmingham, Alabama  
11 35244, appearing on behalf of the Defendant,  
12 Pawn City.  
13  
14 Also Present: Owena Kay Knowles  
15 Austin Burdick  
16 \* \* \* \* \*  
17 I, SARA MAHLER, CSR, a Court  
18 Reporter of Wetumpka, Alabama, acting as  
19 Commissioner, certify that on this date, as  
20 provided by the Alabama Rules of Civil  
21 Procedure and the foregoing stipulation of  
22 counsel, there came before me at the offices  
23 of the Wooten Law Firm, 10 Second Avenue

Page 8

1 MR. JOHNSON: Curt Johnson,  
2 Interstate Arms.  
3 VIDEOGRAPHER: Will the  
4 reporter please swear in the witness.  
5 BRIAN JOSEPH BONNER,  
6 being first duly sworn, was examined and  
7 testified as follows:  
8 COURT REPORTER: Usual  
9 stipulations?  
10 MR. HIGLEY: That's fine.  
11 MR. HODGE: That's fine for  
12 the plaintiff.  
13 MR. GILLUM: That's fine.  
14 EXAMINATION  
15 BY MR. HIGLEY:  
16 Q. Mr. Bonner, could you please  
17 state your name.  
18 A. Brian Joseph Bonner.  
19 Q. And what's your address,  
20 Mr. Bonner?  
21 A. 3013 Hopewell Road in Valley.  
22 Q. Mr. Bonner, have you given a  
23 deposition before?

2 (Pages 5 to 8)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 9

1 A. No, sir.  
2 Q. As we go through this  
3 deposition, Mr. Bonner, let me lay out a few  
4 ground rules, hopefully, that will help as  
5 we go through the deposition. First rule  
6 is, is if you could always answer my  
7 question with a yes or a no or out loud.  
8 If you nod or if you do a  
9 nonverbal like an uh-huh, it's hard for our  
10 court reporter to take that down. And if  
11 you forget, that's fine. One of the two of  
12 us will probably remind you. But is that  
13 fair?  
14 A. Yes, sir.  
15 Q. As we go through this  
16 deposition, if you need to take a break,  
17 that's perfectly fine. This is not a  
18 marathon. So at any time, if you need to  
19 take a break, that will be fine. The only  
20 thing I would ask is that if I've asked a  
21 question, you answer the question first and  
22 then ask for a break. Okay?  
23 A. Yes, sir.

Page 10

1 Q. And if I ask a question that  
2 you don't understand or is confusing to you,  
3 please let me know and I'll do my best to  
4 ask a better question. Okay?  
5 A. Yes, sir.  
6 Q. All right. Mr. Bonner, what  
7 is your current age?  
8 A. Nineteen.  
9 Q. All right. And your date of  
10 birth?  
11 A. 1/4/87.  
12 Q. Have you graduated from high  
13 school?  
14 A. Just have, yes, sir.  
15 Q. All right. What high school  
16 did you graduate from?  
17 A. Valley High School.  
18 Q. All right. What do you intend  
19 on doing now that you've graduated from high  
20 school?  
21 A. Now, I guess business and  
22 accounting.  
23 Q. Are you going to go on and get

Page 11

1 some schooling?  
2 A. Yes, sir.  
3 Q. All right. Where are you  
4 going to school?  
5 A. Southern Union.  
6 Q. Southern Union?  
7 A. Southern Union.  
8 Q. Where is Southern Union at?  
9 A. Opelika.  
10 Q. Is that a two-year or a  
11 four-year school?  
12 A. It's kind of -- I'm not really  
13 sure about that.  
14 Q. Have you been accepted  
15 already?  
16 A. I got to go do paperwork in  
17 the next week, I think, the next couple of  
18 weeks.  
19 Q. Now, what is your Social  
20 Security number?  
21 A. 421-27-4971.  
22 Q. All right. And tell me who  
23 your mama and your daddy are.

Page 12

1 A. My real dad?  
2 Q. Yes.  
3 A. Kenneth Bonner. And my mama  
4 is Kay Knowles.  
5 Q. Who is your stepdaddy?  
6 A. Jim Knowles.  
7 Q. All right. Did you live with  
8 your -- with Kenneth Bonner at any time,  
9 growing up?  
10 A. No, sir.  
11 Q. All right. You've always  
12 lived with Mr. and Mrs. Knowles?  
13 A. Yes, sir. Well, both of them  
14 since they were married. At first it was  
15 just my mom.  
16 Q. All right. About how old were  
17 you when they got married?  
18 A. Probably eleven. Twelve or  
19 eleven, somewhere around in there.  
20 Q. During high school, what kind  
21 of courses did you take?  
22 A. Math, science, history, some  
23 more math, P.E. Let's see. I guess that's

3 (Pages 9 to 12)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 13

1 pretty much about it.  
2 **Q. Did you take any vocational or**  
3 **technical courses?**  
4 A. I took automotive.  
5 **Q. All right. About how old were**  
6 **you when you took automotive?**  
7 A. I was in the tenth grade. So  
8 I was probably about sixteen.  
9 **Q. What did you do in the**  
10 **automotive course?**  
11 A. Worked on cars and changed  
12 brakes, tires, stuff like that.  
13 **Q. That was a hands-on course?**  
14 A. Yes, sir.  
15 **Q. You're actually working with**  
16 **the cars?**  
17 A. Yes, sir.  
18 **Q. And you're working with the**  
19 **engines?**  
20 A. No, sir. Not at that time.  
21 **Q. All right. What were you**  
22 **working with on the cars at that time?**  
23 A. Tires, rotating them, changing

Page 14

1 them. Let's see. Spark plugs, brakes.  
2 More or less stuff like that.  
3 **Q. Did you change out any timing**  
4 **belts?**  
5 A. No, sir.  
6 **Q. What about exhaust work?**  
7 A. No, sir. Not in that class.  
8 **Q. Subsequently, did you take any**  
9 **classes where you did engine work?**  
10 A. No, sir. I've always wanted  
11 to, but didn't get a chance.  
12 **Q. And why is that?**  
13 A. My school more or less told me  
14 I wasn't capable of going back into  
15 automotive class because of my hand,  
16 so . . .  
17 **Q. Who at the school told you**  
18 **that?**  
19 A. I think it was the counselor.  
20 **Q. What was this counselor's**  
21 **name?**  
22 A. I can't remember her name.  
23 **Q. It was a lady?**

Page 15

1 A. Yes, ma'am -- I mean, yes,  
2 sir.  
3 **Q. Did you talk to the head of**  
4 **the automotive training class about whether**  
5 **or not you could continue to do that kind of**  
6 **work?**  
7 A. No, sir. But I stayed in the  
8 class until the end of the school year.  
9 **Q. After this incident happened?**  
10 A. Yes, sir. Mainly watching  
11 everybody else do it, just stayed in there.  
12 **Q. Did you have any other**  
13 **vocational or technical training while in**  
14 **high school, other than this automotive?**  
15 A. No, sir.  
16 **Q. Did you participate in any**  
17 **clubs or associations in high school?**  
18 A. No, sir.  
19 **Q. Outside of school, do you have**  
20 **any hobbies?**  
21 A. Worked on my car a little bit  
22 and shoot guns and hang out with my friends.  
23 **Q. What kind of work do you like**

Page 16

1 **to do on your car?**  
2 A. If something goes wrong with  
3 it, I like to fix it.  
4 **Q. Does this include working with**  
5 **the engine?**  
6 A. If I've had to change spark  
7 plugs and stuff like that, yes, sir.  
8 **Q. Have you ever rebuilt an**  
9 **engine?**  
10 A. No, sir.  
11 **Q. What does your stepdaddy do?**  
12 A. He works on lawn mowers. He  
13 owns his own business.  
14 **Q. Does he work on any other**  
15 **motor equipment besides lawn mowers?**  
16 A. No, sir.  
17 **Q. Do you ever work with him?**  
18 A. Yes, sir.  
19 **Q. All right. When did you start**  
20 **working with him on lawn mowers?**  
21 A. Since him and mom started the  
22 business.  
23 **Q. And how old were you at that**

4 (Pages 13 to 16)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 17

1 time?  
2 A. About twelve, thirteen.  
3 Q. And would you do any engine  
4 work on the lawn mowers?  
5 A. I would help, yes, sir, and  
6 watching him do everything. So he would  
7 show me.  
8 Q. Are you working anywhere right  
9 now?  
10 A. No, sir.  
11 Q. What's the last job held?  
12 A. Chicken Stop in Hugely.  
13 Q. And what was your job there?  
14 A. Cooking, cleaning and fixing  
15 plates.  
16 Q. When did you hold that job?  
17 A. I think -- I can't remember  
18 what month it was when I started working  
19 there, but I worked there for maybe a year  
20 or so.  
21 Q. Was this before or after your  
22 injury?  
23 A. Before and a little bit after.

Page 19

1 A. Yes, sir.  
2 Q. Okay. Where were these guns  
3 kept?  
4 A. In her closet.  
5 Q. All right. And what guns did  
6 she keep before you and -- Excuse me. --  
7 before she and your stepdaddy got married?  
8 A. 20 gauge, shotguns and  
9 pistols.  
10 Q. When she married your  
11 stepdaddy, did he bring any guns?  
12 A. Yes, sir. He had a few of  
13 them.  
14 Q. What did he bring?  
15 A. Rifles, shotguns and pistols.  
16 Q. 12-gauge shotguns?  
17 A. 12 gauges. And I think -- I  
18 think. I'm not sure if he had a 20 gauge or  
19 not, but he had some 38s and 308s and 30  
20 aught 6s.  
21 Q. Now, what kind of shooting did  
22 you do when you were younger, before your  
23 stepdaddy came into the scene?

Page 18

1 Q. Did you play in any organized  
2 sports?  
3 A. No, sir.  
4 Q. Did you play in any intramural  
5 sports at the school or in any sort of  
6 sports club?  
7 A. No, sir.  
8 Q. How old were you when you  
9 first started using guns?  
10 A. I can't remember the exact  
11 age, but I was young.  
12 Q. Was this before your mama and  
13 your stepdaddy got married?  
14 A. Yes, sir.  
15 Q. And what kinds of guns did you  
16 use when you were younger?  
17 A. 410s, 22s, 12 gauges, 20  
18 gauges, 357s, 38s.  
19 Q. So, you used rifles, shotguns?  
20 A. And pistols.  
21 Q. And pistols. Now, before your  
22 mama and your stepdaddy got married, did  
23 your mama keep guns in the house?

Page 20

1 A. Just target shooting.  
2 Q. All right. And where would  
3 you do that?  
4 A. Either at some of my mom's  
5 friends houses, or just more or less places  
6 like that. And my real dad, whenever we  
7 went to see him, took us to, like, shooting  
8 ranges.  
9 Q. All right. And what would you  
10 target shoot with?  
11 A. More or less probably a rifle  
12 or a shotgun.  
13 Q. Did you do any target shooting  
14 with pistols?  
15 A. I think we did a few times,  
16 but I'm not sure.  
17 Q. Did you do any hunting?  
18 A. No, sir. I've never been  
19 hunting.  
20 Q. You wouldn't do any rabbit or  
21 squirrel hunting?  
22 A. No, sir.  
23 Q. So, it was strictly target

5 (Pages 17 to 20)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 21

1 shooting?  
 2 A. Just strictly target shooting.  
 3 Q. Would you shoot any sporting  
 4 clays?  
 5 A. No, sir.  
 6 Q. You'd be shooting at a  
 7 stationary target?  
 8 A. Stationary targets, yes, sir.  
 9 Q. Who was the first person that  
 10 taught you about how to use a gun and use  
 11 one safely?  
 12 A. My mom and my real dad.  
 13 Q. When did your mom and your  
 14 real dad break up? About how old were you?  
 15 A. Probably one or if not before.  
 16 Q. And how old were you when this  
 17 injury happened?  
 18 A. I was sixteen.  
 19 Q. At the time it happened, did  
 20 you have any guns that you considered to be  
 21 yours?  
 22 A. Mine, myself?  
 23 Q. Yes.

Page 22

1 A. I think I had three guns.  
 2 Q. What were they?  
 3 A. I had a 410 that my mom got me  
 4 years and years ago. And I got a 270 for  
 5 Christmas. And I had that shotgun.  
 6 Q. Since your injury, have you  
 7 continued to shoot firearms?  
 8 A. Yes, sir. But it's very hard.  
 9 Q. When is the last time you shot  
 10 firearms?  
 11 A. Probably about six months ago.  
 12 Q. All right. Have you shot  
 13 shotguns?  
 14 A. Yes, sir.  
 15 Q. Rifles?  
 16 A. I have shot my rifle a few  
 17 times.  
 18 Q. Since this incident?  
 19 A. Yes, sir.  
 20 Q. And handguns, have you shot  
 21 handguns or pistols?  
 22 A. No, sir.  
 23 Q. Are you right-handed or

Page 23

1 left-handed?  
 2 A. Now I'm trying to be  
 3 left-handed, but I was right-handed.  
 4 Q. When this injury occurred, you  
 5 were right-handed at that time?  
 6 A. Yes, sir.  
 7 Q. Since this incident, when  
 8 you've shot firearms, has it been target  
 9 shooting?  
 10 A. Yes, sir.  
 11 Q. Have you done any hunting?  
 12 A. No, sir.  
 13 Q. What range do you like to  
 14 shoot at?  
 15 A. Maybe from that wall to that  
 16 wall.  
 17 Q. Is there a location, a  
 18 specific range or business you like to go to  
 19 where you can do some target shooting?  
 20 A. We just stay on our land and  
 21 shoot.  
 22 Q. How much land do y'all have?  
 23 A. Fifteen acres.

Page 24

1 Q. And that's there in Valley?  
 2 A. Yes, sir.  
 3 Q. Do you have any brothers or  
 4 sisters?  
 5 A. Yes, sir.  
 6 Q. And tell me about your  
 7 siblings, how many you have and how old are  
 8 they.  
 9 A. I've got one stepsister and  
 10 two brothers. My twin brother, he's working  
 11 on automotive truck stuff in Opelika. And  
 12 my older brother, he's twenty-three, I  
 13 think, and he's in Missouri right now, in  
 14 the Army.  
 15 Q. What's your older brother's  
 16 name?  
 17 A. Eric Bonner.  
 18 Q. And your twin brother's name?  
 19 A. Cody Bonner.  
 20 Q. All right. And your  
 21 stepsister's name?  
 22 A. Amber Knowles.  
 23 Q. How old is she?

6 (Pages 21 to 24)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 25

1 A. Sixteen.  
2 Q. So, she's younger than you?  
3 A. Oh, yes, sir.  
4 Q. Did you do -- Did you shoot  
5 with your twin brother?  
6 A. Yes, sir.  
7 Q. As well as with your older  
8 brother?  
9 A. Yes, sir.  
10 Q. Do you do any shooting with  
11 Amber?  
12 A. No, sir.  
13 Q. Prior to this incident, did  
14 you do any shooting with your mother?  
15 A. Yes, sir.  
16 Q. And what about with your real  
17 daddy?  
18 A. No, sir.  
19 Q. What about --  
20 A. When I was younger, I have,  
21 but not since.  
22 Q. What about with Mr. Knowles?  
23 A. Yes, sir.

Page 26

1 Q. And did you do any shooting  
2 with your granddaddy?  
3 A. When I was real young, yes,  
4 sir.  
5 Q. And we're talking about  
6 Mr. Tyler Knowles?  
7 A. I hadn't shot with him, no,  
8 sir.  
9 Q. Now he's your stepgrandfather?  
10 A. Yes, sir.  
11 Q. Tell me what you know about  
12 gun safety. What are some of the rules  
13 about gun safety?  
14 A. Never keep it loaded. If it  
15 has any shells in it, don't have it cocked  
16 back or ready to be fired until you are  
17 ready to shoot it. Always keep it on safety  
18 and never have it aimed at anybody or  
19 anything unless you know you're going to  
20 shoot a target or something.  
21 Q. Do you walk around with a  
22 loaded gun?  
23 A. No, sir.

Page 27

1 Q. Do you look into the barrel of  
2 a loaded gun?  
3 A. No, sir.  
4 Q. Do you rely on your gun  
5 safety?  
6 A. I try to.  
7 Q. All right, but do, even when  
8 the gun is on safety, but you've got a  
9 loaded gun --  
10 A. You can't always trust it.  
11 Q. All right. What kind of  
12 ammunition would you use for the  
13 twelve-gauge Norinco?  
14 A. I use birdshot.  
15 Q. Did you ever use 20 gauge  
16 ammunition with a 12 gauge?  
17 A. No, sir.  
18 Q. And why is that?  
19 A. It's not the right size. It  
20 won't shoot right.  
21 Q. And what do you do if a gun  
22 fails to fire?  
23 A. I guess, try to get somebody

Page 28

1 that knows what they're doing to check it  
2 out.  
3 Q. Do you wear eye protection?  
4 A. Yes, sir.  
5 Q. Before this incident, would  
6 you wear eye protection when you would  
7 target shoot?  
8 A. No, sir.  
9 Q. Before this incident, would  
10 you wear ear protection before you would  
11 shoot?  
12 A. Yes, sir.  
13 Q. What kind of ear protection  
14 would you use?  
15 A. Ear plugs.  
16 Q. Are these plugs or are these  
17 the --  
18 A. Just plugs.  
19 Q. Since this incident, do you  
20 wear eye protection?  
21 A. Yes, sir.  
22 Q. What kind of eye protection do  
23 you use?

7 (Pages 25 to 28)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 29

1 A. Just safety glasses.  
2 Q. Do you wear those over your  
3 glasses?  
4 A. Yes, sir.  
5 Q. Do you need to wear your  
6 corrective lenses when you're shooting?  
7 A. Sometimes. I got contacts. I  
8 just wear them. My mom has got to help me  
9 put them in.  
10 Q. Before this incident with  
11 these various firearms that you had in the  
12 house, would you ever take them apart,  
13 disassemble them and look at them?  
14 A. No, sir.  
15 Q. What kind of maintenance would  
16 you do on shotguns?  
17 A. Just get a cleaning kit and  
18 just clean the barrel out.  
19 Q. Would you dismount the barrel  
20 in order to clean it?  
21 A. No, sir.  
22 Q. So, you would always leave the  
23 barrel on when you cleaned it?

Page 30

1 A. Yes, sir.  
2 Q. Did you ever have occasion to  
3 pull the trigger mechanism out of the  
4 receiver of the gun?  
5 A. No, sir.  
6 Q. So, you never did any  
7 disassembly work on any of the shotguns you  
8 had?  
9 A. Never.  
10 Q. And with regard to the Norinco  
11 shotgun at issue in this case, you've never  
12 disassembled that gun?  
13 A. No, sir.  
14 Q. How did you come to have this  
15 gun?  
16 A. Me and a buddy of mine just  
17 went to a pawn shop looking at guns. And I  
18 think two or three days after that, me and  
19 my mom went and we looked at it. And I  
20 asked them questions about it. And we  
21 bought it.  
22 Q. All right. Who is the buddy  
23 that went with you?

Page 31

1 A. A buddy of mine, Sean Watson.  
2 Q. Sean Watson. Where does Sean  
3 live?  
4 A. About two or three miles up  
5 the road from where we live.  
6 Q. Do you know his street  
7 address?  
8 A. No, sir.  
9 Q. Do you know what street he is  
10 on?  
11 A. No, sir.  
12 Q. And how old was Sean at that  
13 time?  
14 A. Two years back, so he was  
15 probably, I'd say fifteen.  
16 Q. He was a little bit younger  
17 than you?  
18 A. He is a year younger than me.  
19 Q. And what shop did you go to?  
20 A. Pawn City.  
21 Q. Where is Pawn City?  
22 A. In Lanett, on, I guess you'd  
23 call it Highway 29.

Page 32

1 Q. And what gun did you look at?  
2 A. That Norinco right there.  
3 Q. And what gauge is that gun?  
4 A. 12 gauge.  
5 Q. And who did you talk to at  
6 Pawn City?  
7 A. Some guy. I can't remember  
8 his name.  
9 Q. But it was a man?  
10 A. Yes, sir.  
11 Q. Was it a black gentleman or a  
12 white gentleman?  
13 A. A white gentleman.  
14 Q. And do you know if he was the  
15 owner of the store or just someone who  
16 worked there?  
17 A. He appeared to be someone that  
18 just worked there.  
19 Q. What kinds of questions did  
20 you ask him?  
21 A. We asked him if the gun is  
22 safe, more or less safe. They've been  
23 checked out? How can I put this? It's not

8 (Pages 29 to 32)



LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 33

1 going to fall apart on me, stuff like that.  
2 Have they been checked out?  
3 Q. Now, had you looked at any  
4 guns before this?  
5 A. No, sir.  
6 Q. So, you're saying this is the  
7 first time you ever went and looked at a  
8 gun?  
9 A. I've looked at guns in  
10 Wal-Mart. But it's the first gun I actually  
11 had looked at and bought.  
12 Q. Had you ever been to Pawn City  
13 before this to look at a gun?  
14 A. Yes, sir. Once. And that's  
15 the two or three days before I bought that  
16 one.  
17 Q. Let me just make sure I get  
18 the sequence of events right, here. Had you  
19 been to Pawn City a total of two or three  
20 times?  
21 A. Two.  
22 Q. Okay. So, you went once with  
23 your friend, Sean?

Page 34

1 A. Uh-huh.  
2 Q. And then you came back a  
3 couple of days later with your mama?  
4 A. Yes, sir.  
5 Q. And when you went with your  
6 friend, Sean, that was the first time you  
7 had been to Pawn City?  
8 A. Yes, sir.  
9 Q. Had you been to any other  
10 stores before that, pawn shops or stores, to  
11 look at shotguns?  
12 A. No, sir.  
13 Q. Now, why did you want to look  
14 at a shotgun?  
15 A. Because I like shotguns. I  
16 wanted to buy one.  
17 Q. Had you used a pump shotgun  
18 before this?  
19 A. Yes, sir.  
20 Q. Whose shotgun?  
21 A. My stepdad's.  
22 Q. What kind of shotgun was that?  
23 A. 12 gauge.

Page 35

1 Q. Do you know who made that?  
2 A. I think it was a Remington.  
3 Q. And it was a pump action?  
4 A. Yes, sir.  
5 Q. And you had fired that  
6 pump-action shotgun of your stepdaddy's  
7 before?  
8 A. Yes, sir.  
9 Q. Had you ever been with an  
10 adult to go to a store while the adult  
11 purchased a firearm?  
12 A. No, sir, except the time my  
13 mom bought that one.  
14 Q. Right. I was talking about  
15 before the time your mama bought this, had  
16 you been with an adult to buy a firearm?  
17 A. No, sir.  
18 Q. Now, what made you ask the  
19 questions you've asked? For example, why  
20 did you ask about the safety of the gun?  
21 A. Because I figured it would  
22 probably be more or less the right thing to  
23 do. And my mom asked the same questions as

Page 36

1 I did.  
2 Q. All right. And you said you  
3 asked him about whether the gun would fall  
4 apart?  
5 A. I asked him: Has it been  
6 checked out? Is everything properly done?  
7 Q. You didn't ask about whether  
8 the gun would fall apart?  
9 A. No, sir.  
10 Q. When you went that first time  
11 with Sean, did you handle the gun?  
12 A. I held it, yes, sir.  
13 Q. Okay. Did you fire the gun?  
14 A. No, sir.  
15 Q. Did you inspect the gun at  
16 that time with Sean?  
17 A. I just looked at it.  
18 Q. All right.  
19 A. The guy that -- The clerk or  
20 whatever, he was pumping it and dry shooting  
21 it and stuff like that.  
22 Q. Okay. But you don't remember  
23 this clerk's name?

9 (Pages 33 to 36)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 37

1 A. No, sir.  
2 Q. Did this clerk indicate to you  
3 whether he had test fired the gun?  
4 A. No, sir.  
5 Q. Did you look at any other guns  
6 while you were there?  
7 A. I just looked around at them,  
8 but that was the main one I actually kept my  
9 eye on.  
10 Q. Did you hold any other guns?  
11 A. No, sir.  
12 Q. What attracted you to this  
13 particular gun?  
14 A. It was black. I liked that  
15 color on that gun and the length of it. And  
16 I was looking mainly for a 12-gauge pump and  
17 nothing else.  
18 Q. Do you know the length of the  
19 barrel on the gun you got?  
20 A. I think it's an eighteen inch.  
21 Q. Now, why would you get an  
22 eighteen-inch barrel as opposed to a longer  
23 barrel?

Page 38

1 A. It was easier for me to hold.  
2 Q. Did Sean look at any firearms  
3 while he was there?  
4 A. I have no idea.  
5 Q. Now, were y'all driving at  
6 that time?  
7 A. Yes, sir.  
8 Q. So, y'all drove to the pawn  
9 shop?  
10 A. I did, yes, sir.  
11 Q. What vehicle were you driving?  
12 A. In my car.  
13 Q. What kind of car was that?  
14 A. It's a Pontiac Trans Am.  
15 Q. So, after you viewed this gun,  
16 what occurred next?  
17 A. I went to work that night.  
18 Then the next couple of days, we came back  
19 to the pawn shop and purchased it.  
20 Q. Told your mama about it?  
21 A. Yes, sir.  
22 Q. And your mama went with you?  
23 A. Yes, sir.

Page 39

1 Q. Did you talk to your  
2 stepfather about it before purchasing it?  
3 A. I think I talked to him about  
4 it.  
5 Q. What did y'all talk about?  
6 A. I just told him I seen a gun I  
7 liked. And he just more or less said: Go  
8 ahead and buy it.  
9 Q. And your mama went with you to  
10 the pawn shop?  
11 A. Yes, sir.  
12 Q. And what did y'all do when you  
13 got to the pawn shop?  
14 A. We got the gun that I was  
15 looking at and we was -- My mom asked him  
16 some questions. I asked him a couple of  
17 questions. And we purchased it.  
18 Q. Okay. What did your mama ask?  
19 A. Mainly the same questions I  
20 did, if it's been checked out and stuff like  
21 that.  
22 Q. What did the individual, the  
23 seller, or the clerk, say about it being

Page 40

1 checked out?  
2 A. He said all the guns that the  
3 pawn shop has has been checked.  
4 Q. Do you know what that means  
5 when they say they've checked a gun out?  
6 A. I guess it means that they had  
7 them all checked out and make sure they was  
8 good guns and they weren't just trash.  
9 Q. So, you don't know what  
10 exactly they did to check it out?  
11 A. No, sir.  
12 Q. What other questions did your  
13 mother ask?  
14 A. I can't remember.  
15 Q. Do you remember anything else  
16 the clerk told you about the gun?  
17 A. No, sir.  
18 Q. When you went the second time,  
19 was it the same clerk?  
20 A. I'm not really sure.  
21 Q. It could have been someone  
22 different?  
23 A. Could have.

10 (Pages 37 to 40)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 41

1 Q. Could have been the same guy?  
2 A. It was another guy. But I  
3 can't remember if it was the exact same guy  
4 or not.  
5 Q. Did that individual, the  
6 second time you went, did they do anything  
7 with the gun?  
8 A. He handed it over the counter  
9 to us and my mom got it and she looked at  
10 it.  
11 Q. What did she do when she  
12 looked at it?  
13 A. Just looked around at it.  
14 Q. Did you look at the gun that  
15 day, too?  
16 A. Yes, sir.  
17 Q. You handled it?  
18 A. I hold it.  
19 Q. Did you test fire it at all?  
20 A. No, sir.  
21 Q. How would you describe the  
22 inspection you did of the gun when you got  
23 it that day?

Page 42

1 A. It looked like a good gun,  
2 like it more or less looks now.  
3 Q. Did you rack the action?  
4 A. No, sir.  
5 Q. Did you dry fire it?  
6 A. No, sir.  
7 Q. Did you mount the gun?  
8 A. No, sir.  
9 Q. You didn't even mount it on  
10 your shoulder to see how it felt?  
11 A. Well, I kind of held it like  
12 this (indicating), but I didn't, no.  
13 Q. Who paid for the gun?  
14 A. I got my mom -- I gave my mom  
15 the money and she bought it.  
16 Q. So, you gave her the money and  
17 she bought it?  
18 A. Yes, sir. I wasn't old enough  
19 to buy it at the time.  
20 Q. Did you receive an owner's  
21 manual with the gun?  
22 A. No, sir.  
23 Q. Did you ask for an owner's

Page 43

1 manual?  
2 A. No, sir.  
3 Q. Did the subject of an owner's  
4 manual ever come up?  
5 A. No, sir.  
6 Q. Have you ever seen an owner's  
7 manual that looks like what I'm showing you?  
8 A. No, sir.  
9 Q. And any of the other guns that  
10 you have at your house, were there owner's  
11 manuals with those guns?  
12 A. With my 270, yes, sir.  
13 Q. Do you read that owner's  
14 manual?  
15 A. Yes, sir.  
16 Q. What kind of gun is a 270?  
17 A. A Remington.  
18 Q. Is that a rifle?  
19 A. Rifle.  
20 Q. And you read that owner's  
21 manual?  
22 A. Yes, sir.  
23 Q. And when did you get that

Page 44

1 Remington 270?  
2 A. It was for Christmas. I  
3 believe it was the year that -- that year I  
4 bought that gun.  
5 Q. Before or after the incident?  
6 A. Before.  
7 Q. All right. So you would have  
8 had that gun about nine or ten months, a  
9 little longer?  
10 A. About, I would say, yes, nine,  
11 ten months, a little longer.  
12 Q. When you purchased this gun --  
13 I'm looking at the receipt here, and it  
14 says: November 5, 2003. Does that date  
15 sound about right?  
16 A. Yes, sir.  
17 Q. Okay. What did you do that  
18 day when you purchased the gun?  
19 A. My mom took it home with her  
20 and I went to work after we bought it.  
21 Q. And when did you next see or  
22 use the gun?  
23 A. Probably the very next day.

11 (Pages 41 to 44)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 45	Page 47
<p>1 Q. Did you work at all that day?</p> <p>2 A. No, sir.</p> <p>3 Q. All right. And what did you</p> <p>4 do?</p> <p>5 A. I just more or less loaded it</p> <p>6 and shot it a few times and then put it up.</p> <p>7 Q. All right. So, this was on</p> <p>8 your property?</p> <p>9 A. Yes, sir.</p> <p>10 Q. And you went out with some</p> <p>11 shells and shot the gun?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Did you shoot at any</p> <p>14 particular target?</p> <p>15 A. A piece of plywood that we had</p> <p>16 set up.</p> <p>17 Q. Was anyone with you when you</p> <p>18 shot it this first time?</p> <p>19 A. I can't remember. I think my</p> <p>20 brother, Cody, was. I can't really be sure.</p> <p>21 Q. Was your mother with you?</p> <p>22 A. She was in the house.</p> <p>23 Q. Was your stepfather with you?</p>	<p>1 put it inside my safe.</p> <p>2 Q. You have a gun safe?</p> <p>3 A. Yes, sir.</p> <p>4 Q. Can you -- Is the gun safe big</p> <p>5 enough that you can place the gun in</p> <p>6 assembled?</p> <p>7 A. Yes, sir.</p> <p>8 Q. You don't have to dismount the</p> <p>9 barrel?</p> <p>10 A. No, sir.</p> <p>11 Q. At any time before the</p> <p>12 incident, did you ever dismount the barrel?</p> <p>13 A. No, sir.</p> <p>14 Q. At any time before the</p> <p>15 incident, did you ever take off the cap, the</p> <p>16 magazine cap?</p> <p>17 A. No, sir.</p> <p>18 Q. Do you know how to dismount</p> <p>19 the barrel on this type of gun?</p> <p>20 A. No, sir.</p> <p>21 Q. Did you shoot it at any other</p> <p>22 time that day?</p> <p>23 A. Not that day, no, sir.</p>
Page 46	Page 48
<p>1 A. He was at work.</p> <p>2 Q. And did you go out with a box</p> <p>3 of shells?</p> <p>4 A. No, sir. Just maybe four.</p> <p>5 Q. So, you're saying you only</p> <p>6 shot it about four times that first time?</p> <p>7 A. Yes, sir.</p> <p>8 Q. What was your experience in</p> <p>9 shooting that gun that first time?</p> <p>10 A. It seemed pretty normal, just</p> <p>11 like a regular gun that day.</p> <p>12 Q. Did you have any difficulty in</p> <p>13 racking the action?</p> <p>14 A. No, sir.</p> <p>15 Q. Did it misfire at all?</p> <p>16 A. Not that day, no, sir.</p> <p>17 Q. Did Cody fire it that day,</p> <p>18 too?</p> <p>19 A. I believe he has, yes, sir.</p> <p>20 Q. When you finished shooting,</p> <p>21 what did you do with the gun?</p> <p>22 A. I cocked it and made sure it</p> <p>23 wasn't loaded. And then I went inside and</p>	<p>1 Q. When did you shoot it next?</p> <p>2 A. Probably a week or so after</p> <p>3 that.</p> <p>4 Q. So, several days had gone by?</p> <p>5 A. Yes, sir. I didn't have any</p> <p>6 bullets.</p> <p>7 Q. You had to go get some shells?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Where'd you get your shells?</p> <p>10 A. Wal-Mart.</p> <p>11 Q. Where is that Wal-Mart at?</p> <p>12 A. Highway 29 in Valley.</p> <p>13 Q. What kind of shells did you</p> <p>14 get?</p> <p>15 A. I think they were Remington</p> <p>16 shells.</p> <p>17 Q. Was it 12 gauge shells?</p> <p>18 A. Yes, sir.</p> <p>19 Q. What kind of load?</p> <p>20 A. Birdshot.</p> <p>21 Q. Did anyone go with you to</p> <p>22 Wal-Mart?</p> <p>23 A. I think my older brother did,</p>

12 (Pages 45 to 48)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 49

1 or my mom or somebody did. I can't remember  
2 who went with me.  
3 **Q. What'd you do after you**  
4 **got the -- How many boxes of shells did you**  
5 **get?**  
6 A. Just one.  
7 **Q. What did you do then?**  
8 A. That day I went home and  
9 probably shot it a couple of times and then  
10 saved the rest of the bullets for another  
11 day.  
12 **Q. Did anyone shoot with you that**  
13 **second time?**  
14 A. I can't remember.  
15 **Q. And you shot on your property**  
16 **again?**  
17 A. Yes, sir.  
18 **Q. What did you shoot at?**  
19 A. The same target.  
20 **Q. Did the gun misfire at all**  
21 **that time?**  
22 A. No, sir.  
23 **Q. Did you have any difficulty**

Page 50

1 racking the action?  
2 A. No, sir.  
3 **Q. Did you notice any problems or**  
4 **difficulties with the gun?**  
5 A. No, sir.  
6 **Q. And you're saying you only**  
7 **shot a few shells?**  
8 A. Yes, sir.  
9 **Q. Most of the box was left?**  
10 A. Yes, sir.  
11 **Q. And when's the next time you**  
12 **shot the gun?**  
13 A. I probably shot it one more  
14 time before the incident. I can't remember  
15 if I did or not.  
16 **Q. When did this accident occur?**  
17 **What date?**  
18 A. November 15th, ten days after  
19 I bought the gun.  
20 **Q. Do you remember what day of**  
21 **the week that happened to be?**  
22 A. No, sir. I think it was  
23 probably -- give or take, it was maybe

Page 51

1 Wednesday, Thursday, or Friday. I'm not  
2 really sure.  
3 **Q. So, your recollection is you**  
4 **shot the gun a total of three times before**  
5 **the incident?**  
6 A. Three or four, yes, sir.  
7 **Q. Three or four?**  
8 A. Yes, sir.  
9 **Q. This box of shells that you**  
10 **bought at Wal-Mart, is that the box of**  
11 **shells you were using on the day of the**  
12 **incident?**  
13 A. I believe it was, yes, sir.  
14 **Q. You didn't have to go back and**  
15 **get more shells?**  
16 A. I don't believe I did.  
17 **Q. How many shells were in this**  
18 **box?**  
19 A. I think twenty came in the  
20 box. I'm not sure.  
21 **Q. At any time prior to this**  
22 **incident did you drop the gun?**  
23 A. No, sir.

Page 52

1 **Q. You never dropped it at all?**  
2 A. No, sir.  
3 **Q. Did anyone else drop the gun?**  
4 A. No, sir.  
5 **Q. At any time prior to this**  
6 **incident, was the gun in the possession of**  
7 **someone else, being used by someone else**  
8 **when you were not around?**  
9 A. No, sir.  
10 **Q. Cody never used the gun while**  
11 **you were not at the house?**  
12 A. No, sir.  
13 **Q. Did you ever ask Cody?**  
14 A. I have before. I come back  
15 from spending the night at a friends house,  
16 he said he hasn't.  
17 **Q. Okay. Did you specifically**  
18 **ask Cody about this particular gun in the**  
19 **ten days between it was bought and used,**  
20 **whether Cody had ever used it?**  
21 A. No, sir.  
22 **Q. What about your older brother,**  
23 **did he use the gun?**

13 (Pages 49 to 52)



LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 53	Page 55
<p>1 A. No, sir. He was moved out. 2 Q. Did your stepfather take the 3 gun out and test fire it? 4 A. No, sir. 5 Q. Did your stepfather ever 6 inspect the gun? 7 A. No, sir. 8 Q. Did your mother take it out 9 and test fire it? 10 A. No, sir. 11 Q. As far as you know, was there 12 any other person who fired that gun outside 13 your presence? 14 A. No, sir. 15 Q. What do you do to make sure 16 the gun is empty of shells? 17 A. I cock it. 18 Q. When you say cock it, do you 19 mean rack the action? 20 A. Yes, sir. I turn it over to 21 the side so I can look into the little piece 22 of metal right there. Whenever you pull it 23 back it opens. And if I don't see a shell</p>	<p>1 A. I cleaned the barrel yes, sir. 2 Q. How many times did you clean 3 the barrel? 4 A. Maybe once off twice. 5 Q. What did you use to clean the 6 barrel with? 7 A. The cleaning kit that my mom 8 had. 9 Q. Did you use a stick? 10 A. The metal rod and some cloths 11 and the oil I guess you're supposed to use. 12 Q. You ran the metal rod with the 13 bristles on it down the barrel? 14 A. Yes, sir. 15 Q. And what else -- Tell me your 16 procedure. Go through with me the procedure 17 for cleaning the barrel. 18 A. I put the brush on it. I run 19 it through there a couple of times. I take 20 it off. Then I put the other piece on with 21 the cloth pieces on it and I run it through 22 there a few times and make sure it's clean. 23 Q. Would you do any other steps</p>
Page 54	Page 56
<p>1 go in, I know it's empty. 2 Q. How do you load the shotgun? 3 A. Through the bottom. 4 Q. And you load it into the 5 magazine? 6 A. I guess that's what you call 7 it, yes, sir. 8 Q. The magazine is that tube 9 that's below the barrel? 10 A. I think that's the name of it, 11 yes, sir. 12 Q. Do you know how many shells 13 you're able to get in the magazine? 14 A. I think that one holds four or 15 five. 16 Q. Did you ever load a gun 17 directly into the chamber for the bolt? 18 A. No, sir. 19 Q. You always loaded through the 20 magazine? 21 A. Yes, sir. 22 Q. At any time prior to this 23 incident, did you clean the shotgun?</p>	<p>1 in cleaning the barrel? 2 A. No, sir. 3 Q. Do you use reloads? 4 A. No, sir. 5 Q. Do you know what a reload is? 6 A. When somebody remakes the 7 bullet. 8 Q. And you never used a reload? 9 A. No, sir. 10 Q. On the day of this incident, 11 what were you doing that day? 12 A. I was -- Earlier that day I 13 just got back from the pawn -- well, not 14 pawn shop, but the flea market in Phenix 15 City with my cousins. Then we went back to 16 my house and got the gun and some shells. 17 And then we went to his house. My aunt's 18 house. 19 Q. Your aunt's house? 20 A. Yes, sir. He lives with my 21 aunt -- well, he did. 22 Q. What's her name? 23 A. Bobby. It was Bobby Stewart,</p>

14 (Pages 53 to 56)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 57

1 but now it's Bobby Dennis.  
2 **Q. Dennis?**  
3 A. Yes, sir.  
4 **Q. But it was Stewart at the**  
5 **time?**  
6 A. Yes, sir.  
7 **Q. What's your cousins name?**  
8 A. Jason Stewart.  
9 **Q. Did you buy any shells or**  
10 **other firearm-related things at the flea**  
11 **market?**  
12 A. No, sir.  
13 **Q. You came back from the flea**  
14 **market and went to your house?**  
15 A. Yes, sir.  
16 **Q. Were you driving?**  
17 A. No, sir.  
18 **Q. Who was driving?**  
19 A. Jason.  
20 **Q. How old was Jason?**  
21 A. Eighteen, nineteen, twenty or  
22 something like that. I can't remember  
23 exactly how old he was.

Page 58

1 **Q. So, he was a few years older**  
2 **than you?**  
3 A. Yes, sir. He's a few years  
4 older than me.  
5 **Q. Had he finished high school?**  
6 A. He quit.  
7 **Q. And you got this Norinco**  
8 **shotgun from your house?**  
9 A. Yes, sir.  
10 **Q. Did you get any other**  
11 **firearms?**  
12 A. I think I got my 20 gauge and  
13 270 that day, also.  
14 **Q. What's your 20 gauge?**  
15 A. Remington.  
16 **Q. Do you know what model?**  
17 A. 1100.  
18 **Q. Did you get any shells from**  
19 **your house?**  
20 A. I think my friend -- My cousin  
21 that was with me that day got the shells,  
22 his own shells.  
23 **Q. Who was that?**

Page 59

1 A. B.J. Sadler.  
2 **Q. He's your cousin?**  
3 A. He's Jason's cousin. I say  
4 he's my cousins sometimes.  
5 **Q. When you said he got shells,**  
6 **are you saying he got them from your house**  
7 **or he brought his own shells?**  
8 A. He brought his own.  
9 **Q. Did he bring 12 gauge shells?**  
10 A. No, sir.  
11 **Q. He brought 20 gauge shells?**  
12 A. 20 gauge. I think he had a  
13 few 12 gauge, but I'm not really sure.  
14 **Q. Did you have 12 gauge shells?**  
15 A. I had 12 gauge shells, yes,  
16 sir.  
17 **Q. Okay. So, you brought the 12**  
18 **gauge shells from your house?**  
19 A. Uh-huh.  
20 **Q. Was B.J. Sadler with you and**  
21 **Stewart in the car?**  
22 A. I can't really remember. I  
23 think he came up after we got back to my

Page 60

1 aunt's house.  
2 **Q. Was there anyone else with you**  
3 **and Jason Stewart?**  
4 A. His wife, Felicia Sadler, now  
5 Felicia Stewart.  
6 **Q. At the time she was Felicia**  
7 **Sadler?**  
8 A. Yes, sir.  
9 **Q. About what time of day was it**  
10 **when you got to your house to get your**  
11 **shotgun and your other guns?**  
12 A. I would say probably about  
13 noon, one, two o'clock.  
14 **Q. And then you went to Aunt**  
15 **Bobby's?**  
16 A. Yes, sir.  
17 **Q. Where does Aunt Bobby live?**  
18 A. She used to live in Hugely.  
19 **Q. Is that where -- That's where**  
20 **she was at the time when this occurred?**  
21 A. Yes, sir.  
22 **Q. All right. Do you know her**  
23 **street address?**

15 (Pages 57 to 60)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 61

1 A. No, sir.  
2 **Q. How much land does she have?**  
3 A. I think maybe an acre or so.  
4 **Q. And what did you do when you**  
5 **got to Aunt Bobby's?**  
6 A. My stepdad was already there,  
7 he was watching a football game. And my  
8 uncle was there watching a football game.  
9 Me and my cousins went out to shoot just a  
10 few rounds.  
11 **Q. And you shot on Aunt Bobby's**  
12 **property?**  
13 A. I believe it was her property.  
14 I think it was.  
15 **Q. I assume this is rural?**  
16 A. Yes.  
17 **Q. Is it an open field or are**  
18 **there woods?**  
19 A. Open field and some woods.  
20 **Q. And who all went out to shoot?**  
21 A. Me, Jason and B.J.  
22 **Q. Just three of you?**  
23 A. Yes, sir.

Page 62

1 **Q. And tell me how the incident**  
2 **happened, how you injured your hand.**  
3 A. He was shooting the gun.  
4 **Q. Who is he?**  
5 A. B.J.  
6 **Q. Okay.**  
7 A. And it misfired and I got it  
8 from him. And it's the pretty much the last  
9 thing I remember. It all just happened so  
10 fast.  
11 **Q. Okay. All right. When y'all**  
12 **went outside, what guns did you have with**  
13 **you?**  
14 A. We had the 20 gauge, the 12  
15 gauge and the 270.  
16 **Q. They were all three your guns?**  
17 A. Yes, sir.  
18 **Q. None of the others had guns of**  
19 **their own?**  
20 A. They had some, but they didn't  
21 shoot with them. They didn't shoot theirs.  
22 **Q. They didn't have them there**  
23 **that day?**

Page 63

1 A. No, sir.  
2 **Q. And when you went outside,**  
3 **were you in sight of the house when you were**  
4 **shooting?**  
5 A. Yes, sir.  
6 **Q. Were you behind the house?**  
7 A. In front of it.  
8 **Q. In front of it?**  
9 A. A good ways in front of it.  
10 **Q. And what were you shooting at?**  
11 A. Just targets.  
12 **Q. What kind of targets?**  
13 A. Like paper targets stapled  
14 onto a tree, or just, like, a box of empty  
15 shells just off to a distance by a tree or  
16 something.  
17 **Q. Were you wearing contact**  
18 **lenses or glasses?**  
19 A. Contact lenses.  
20 **Q. Did you have any safety**  
21 **glasses on?**  
22 A. No, sir.  
23 **Q. Were you wearing sunglasses?**

Page 64

1 A. I think I had a pair of  
2 sunglasses with me that day, I'm not sure.  
3 **Q. And you don't recall whether**  
4 **you were wearing them?**  
5 A. No, sir.  
6 **Q. All right. Did you have ear**  
7 **protection on?**  
8 A. No, sir.  
9 **Q. Did any of the other two guys**  
10 **where eye or ear protection?**  
11 A. I don't believe they did, but  
12 I'm not really sure.  
13 **Q. This was on November 15th;**  
14 **right?**  
15 A. Yes.  
16 **Q. What was the weather like that**  
17 **day?**  
18 A. Sunny.  
19 **Q. What was the temperature?**  
20 A. I can't remember.  
21 **Q. Do you remember what you were**  
22 **wearing?**  
23 A. No, sir. I think it would

16 (Pages 61 to 64)



LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 65

1 have been more or less blue jeans and a  
2 short-sleeved shirt.  
3 **Q. Did you fire any guns before**  
4 **this incident?**  
5 A. That day?  
6 **Q. Yes, sir.**  
7 A. Yes, sir.  
8 **Q. What did you fire?**  
9 A. A 20 gauge and 12 gauge.  
10 **Q. So, you had fired this Norinco**  
11 **12 gauge?**  
12 A. Uh-huh.  
13 **Q. While you were out there in**  
14 **that field?**  
15 A. Yes, sir.  
16 **Q. And then you had also fired**  
17 **the 20 gauge?**  
18 A. Yes, sir.  
19 **Q. Did you fire the 270?**  
20 A. No, sir. We figured the range  
21 would be a little too far on it.  
22 **Q. You figured your target was**  
23 **too far away?**

Page 66

1 A. We figured the bullet would go  
2 a little too far.  
3 **Q. Now, did Jason Stewart shoot**  
4 **the 12 gauge?**  
5 A. No, sir.  
6 **Q. Just B.J. Sadler?**  
7 A. Just B.J. Sadler and me.  
8 **Q. You shot it first?**  
9 A. Yes, sir.  
10 **Q. And about how many times did**  
11 **you shoot it?**  
12 A. I think we shot it maybe three  
13 or four or five times. I think he shot it  
14 two or three times and then we heard  
15 something. Some metal sound. And then I  
16 got it from him when he misfired.  
17 **Q. When you shot it first, were**  
18 **you able to rack the action without**  
19 **difficulty?**  
20 A. Yes, sir.  
21 **Q. And did you load the magazine**  
22 **completely with shells?**  
23 A. Yes, sir.

Page 67

1 **Q. And did you fire all of the**  
2 **shells that were in the magazine?**  
3 A. Yes, sir.  
4 **Q. Completely emptied the gun?**  
5 A. Yes, sir.  
6 **Q. Did you shoot a second time?**  
7 A. No, sir.  
8 **Q. What did you do at that point?**  
9 A. I let him shoot. And I think  
10 he shout three or four rounds, two or three  
11 or four rounds. Then it misfired on him.  
12 And I got the gun back from him. And that's  
13 pretty much the last thing I remember.  
14 **Q. Did you -- Did you reload the**  
15 **gun for B.J.?**  
16 A. No, sir, he did.  
17 **Q. He loaded the gun.**  
18 A. (Witness nods head in the  
19 affirmative.)  
20 **Q. That would be yes?**  
21 A. Yes, sir.  
22 **Q. And he completely filled the**  
23 **magazine?**

Page 68

1 A. I believe so, yes.  
2 **Q. And he fired how many times?**  
3 A. Two, three or four times.  
4 **Q. He was firing at a target?**  
5 A. Yes, sir.  
6 **Q. Where were you standing in**  
7 **relation to him when he was firing?**  
8 A. Behind him.  
9 **Q. Where was Jason?**  
10 A. Him and Felicia had to leave.  
11 **Q. So, Jason had left by then?**  
12 A. Yes, sir.  
13 **Q. And Jason had never fired the**  
14 **12 gauge that day?**  
15 A. No, sir.  
16 **Q. In fact I guess, Jason had**  
17 **never fired the 12 gauge?**  
18 A. Yes, sir.  
19 **Q. Had B.J. ever fired the 12**  
20 **gauge before that day?**  
21 A. No, sir.  
22 **Q. So, it's just you and B.J.?**  
23 A. Yes, sir.

17 (Pages 65 to 68)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 69

1 Q. And I'm sorry. If you've  
2 already told me this I've forgotten. How  
3 many times did he fire before the gun  
4 misfired?  
5 A. Two, three or four times.  
6 Q. Okay. And were you looking at  
7 him when it misfired?  
8 A. Yes, sir.  
9 Q. Did you see him pull the  
10 trigger?  
11 A. I seen him pull the trigger  
12 and it misfired, yes, sir.  
13 Q. Was the safety on or off when  
14 he pulled the trigger?  
15 A. It was off.  
16 Q. How can you tell that the  
17 safety is off on this particular shotgun?  
18 A. I couldn't really tell, but I  
19 heard it click like it misfired.  
20 Q. When you're using the gun, the  
21 safety is a button that you toggle back and  
22 forth; right?  
23 A. I believe so, yes, sir.

Page 70

1 Q. Do you recall how you can tell  
2 whether the safety is on or off when you  
3 toggle it back and forth, what tells you if  
4 it's on or off?  
5 A. There's a red dot on it.  
6 Q. And what does the red dot tell  
7 you?  
8 A. I think that red dot on that  
9 one meant it was in the firing position.  
10 Q. Did B.J. have the gun mounted  
11 on his shoulder when it misfired?  
12 A. Yes, sir.  
13 Q. What was he aiming at?  
14 A. A target.  
15 Q. And you were behind him?  
16 A. Yes, sir.  
17 Q. And what did it sound like to  
18 you?  
19 A. First, we heard something  
20 metal sound. We didn't really pay attention  
21 to it. And then he pulled the trigger and  
22 it misfired. Then I got it from him.  
23 Q. Now, let's just make sure

Page 71

1 we're clear on this. You're saying you  
2 heard a metal sound first?  
3 A. Yes, sir.  
4 Q. And you say you saw him pull  
5 the trigger?  
6 A. Yes, sir.  
7 Q. And did the shell discharge?  
8 A. No, sir.  
9 Q. So, nothing came out of the  
10 barrel?  
11 A. Right.  
12 Q. Do you know whether there was  
13 a shell in the barrel?  
14 A. Yes, sir.  
15 Q. Beforehand, when you went to  
16 the pawn shop, and you first looked at the  
17 gun, you heard the guy dry fire the gun;  
18 right?  
19 A. Yes, sir.  
20 Q. When you heard that metal  
21 noise that day, on November 15th, did it  
22 sound like a dry fire?  
23 A. No, sir.

Page 72

1 Q. Can you describe for me what  
2 the noise sounded like?  
3 A. It sounded like something  
4 popped, but we just wasn't really paying  
5 attention.  
6 Q. Did B.J. do anything between  
7 popping of the gun and the time he pulled  
8 the trigger?  
9 A. No, sir.  
10 Q. What happened then?  
11 A. When he pulled the trigger, it  
12 misfired and I got it from him.  
13 Q. And maybe I caused some of the  
14 confusion. Let's just make sure we don't  
15 mean anything by the word "misfire." He  
16 pulled the trigger and did anything happen,  
17 was there any noise?  
18 A. It clicked.  
19 Q. There was a click. But there  
20 was nothing that discharged?  
21 A. Right.  
22 Q. And he did what then?  
23 A. He handed it over to me.

18 (Pages 69 to 72)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 73

1 Q. All right. And did you reach  
2 out to grab the gun?  
3 A. I believe by instincts,  
4 reflexes, when it started to fall apart,  
5 yes, sir.  
6 Q. Now, you were behind him when  
7 this occurred?  
8 A. Yes, sir. Pretty much behind  
9 him at an angle. He was standing here and I  
10 was probably standing back here somewhere  
11 (indicating).  
12 Q. Okay. All right. So, you  
13 were on his left side?  
14 A. I believe so, yes, sir.  
15 Q. Is he right-handed?  
16 A. Yes, sir.  
17 Q. So, he had the gun mounted on  
18 his right shoulder?  
19 A. Yes, sir.  
20 Q. And did you go to him or he  
21 turned to you?  
22 A. He turned to me.  
23 Q. All right. And which way did

Page 75

1 A. I think everything just -- The  
2 barrel fell off and by reflexes, I reached  
3 and grabbed it. And that's all I really  
4 remember on my part.  
5 Q. You said the barrel was  
6 pointing up in the air?  
7 A. Yes, sir.  
8 Q. And you say it started to  
9 fall?  
10 A. Yes, sir.  
11 Q. In what fashion?  
12 A. I think -- I'm not really  
13 sure. I think the gun went like that  
14 (indicating), and the barrel started to  
15 slide off, something like that. And by  
16 reflex, I reached and grabbed it.  
17 Q. Which hand did you grab the  
18 barrel with?  
19 A. My right.  
20 Q. And at that time, what was  
21 your left hand grabbing?  
22 A. I believe it was on the stock.  
23 Q. Where did you grab the barrel?

Page 74

1 he turn?  
2 A. Like this way (indicating).  
3 Q. So, he turned to his left?  
4 And how did he hand the gun to you?  
5 A. Just handed it over.  
6 Q. Where was the barrel pointing?  
7 A. Up.  
8 Q. Was it pointing up over his  
9 right or over his left or straight up?  
10 A. I can't remember.  
11 Q. Do you -- How did you grab or  
12 receive the gun?  
13 A. With both hands, just grabbed  
14 it, one hand on the bump area and the other  
15 hand on the stock.  
16 Q. All right. And which hand  
17 grabbed the pump?  
18 A. I believe my left hand. I'm  
19 not really sure.  
20 Q. And you think your right hand  
21 grabbed the stock?  
22 A. I believe so, yes.  
23 Q. What happened next?

Page 76

1 A. On the top.  
2 Q. Why did you grab the barrel on  
3 top?  
4 A. I have no idea. I can't  
5 remember.  
6 Q. Well, what happened when you  
7 grabbed the barrel on top?  
8 A. I can't remember. The next  
9 thing I knew I had a hole in my hand.  
10 Q. So, you don't remember  
11 anything between the time you reached to  
12 grab the barrel and your injury?  
13 A. Yes, sir.  
14 Q. You cannot say whether you had  
15 your left hand on the trigger?  
16 A. I can't say that, yes.  
17 Q. You can't say that you pushed  
18 the barrel or shoved the barrel into the  
19 receiver?  
20 A. Yes, sir. Yes, sir.  
21 Q. You can't say that right. You  
22 just don't remember?  
23 A. I don't remember sir.

19 (Pages 73 to 76)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 77

1 Q. And B.J. was facing you when  
2 all this happened?  
3 A. By the time I got shot, he was  
4 already walking back towards the house  
5 because I told him to go get my uncle.  
6 Q. Okay. So, he had already  
7 turned and started walking towards the  
8 house. Was he behind you then, by then?  
9 A. He was in front of me.  
10 Q. He was in front of you?  
11 A. Yes, sir.  
12 Q. Had he turned around?  
13 A. I wouldn't remember, no, sir.  
14 Q. Okay. Well, when you were  
15 reaching for the gun, were you facing your  
16 house? Could you see your house?  
17 A. I think I was about -- I was  
18 just facing at my aunt's house. I think I  
19 was at an angle.  
20 Q. Right. Yeah. That's what I  
21 meant. You were facing Aunt Bobby's house?  
22 A. I was at an angle, but I could  
23 see it, yes, sir.

Page 78

1 Q. Was it to your right or to  
2 your left?  
3 A. I believe it was to my right.  
4 Q. And after he handed you the  
5 gun, he was walking toward Aunt Bobby's  
6 house?  
7 A. Yes, sir.  
8 Q. Did he say anything to you  
9 while he was handing the gun to you?  
10 A. No, sir.  
11 Q. Did he say anything to you  
12 when he started walking to Aunt Bobby's?  
13 A. No, sir.  
14 Q. Did he say anything to you  
15 when he pulled the trigger and nothing had  
16 happened?  
17 A. No, sir.  
18 Q. He didn't tell you why he was  
19 going to Aunt Bobby's?  
20 A. I said awhile ago that I told  
21 him to go to get my Uncle Ralph or whatever,  
22 and to get him to come out there and look at  
23 it.

Page 79

1 Q. So, before he handed the gun  
2 to you, you asked for your uncle to come  
3 out?  
4 A. After he handed the gun to me.  
5 Q. Okay. All right. So, he  
6 handed you the gun, you had it in your hands  
7 and you told him --  
8 A. Him to go get my uncle so my  
9 uncle could come out there and look at it.  
10 Q. In between the time you  
11 received the gun and the time you told -- or  
12 asked B.J. to go get your uncle, is that  
13 Aunt Bobby's husband?  
14 A. It was at the time.  
15 Q. Was Aunt Bobby's husband. Did  
16 you inspect the gun in any fashion?  
17 A. No, sir.  
18 Q. Did you try the trigger?  
19 A. No, sir.  
20 Q. Did you do anything with the  
21 safety?  
22 A. No, sir.  
23 Q. Did B.J. put the gun on safety

Page 80

1 before he handed it to you?  
2 A. I wouldn't think. I'm not  
3 sure.  
4 Q. You don't know whether it was  
5 or was not on safety?  
6 A. I don't know.  
7 Q. So, he had started walking to  
8 Aunt Bobby's?  
9 A. Yes, sir.  
10 Q. And at what point did the  
11 barrel start to come off?  
12 A. While he was walking.  
13 Q. Had you lowered the gun in any  
14 fashion?  
15 A. I can't remember.  
16 Q. So, he was looking away when  
17 it actually discharged?  
18 A. Yes, sir.  
19 Q. And it injured your right  
20 hand?  
21 A. Yes, sir.  
22 Q. And tell me what y'all did  
23 right after that happened.

20 (Pages 77 to 80)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 81

1 A. I grabbed my right hand with  
2 my left hand. I believe I just dropped the  
3 gun where it was and grabbed my right hand  
4 in my left hand and took off running. And  
5 my aunt was outside doing yard work and she  
6 seen something was wrong and she came over  
7 there to me.  
8 **Q. This was Aunt Bobby?**  
9 A. Yes, sir.  
10 **Q. So, you ran toward the house**  
11 **where Aunt Bobby was?**  
12 A. Yes, sir.  
13 **Q. What did they all do?**  
14 A. Well, she actually took off  
15 her shirt to wrap my hand up. And then B.J.  
16 ran into the house and got Jim and my Uncle  
17 Ralph and they both come outside and me and  
18 Ralph jumped into the truck and took off.  
19 **Q. Okay. And where did he take**  
20 **you?**  
21 A. To Lanier Memorial Hospital.  
22 **Q. So, you didn't ride in an**  
23 **ambulance?**

Page 82

1 A. No, sir.  
2 **Q. Y'all didn't call 911?**  
3 A. No, sir.  
4 **Q. Just headed to the hospital?**  
5 A. Just headed to the hospital.  
6 **Q. All right. And is Lanier**  
7 **Memorial in Chambers County?**  
8 A. Yes, sir.  
9 **Q. And you went and got emergency**  
10 **treatment at the hospital?**  
11 A. Yes, sir.  
12 **Q. Did they discharge you that**  
13 **day or did they keep you overnight?**  
14 A. Overnight. And then we went  
15 -- The very next day we went straight to  
16 Birmingham.  
17 **Q. Now, prior to the shooting on**  
18 **November 15, had you been drinking any**  
19 **alcohol?**  
20 A. No, sir.  
21 **Q. All right. Had you taken any**  
22 **drugs, whether --**  
23 A. No, sir.

Page 83

1 **Q. -- Let me ask you some more**  
2 **precise question. Did you take any**  
3 **over-the-counter medication?**  
4 A. No, sir.  
5 **Q. Nothing like Tylenol or**  
6 **ibuprofen?**  
7 A. No, sir.  
8 **Q. Did you have any prescription**  
9 **drugs that you took that day?**  
10 A. No, sir.  
11 **Q. And did you take any illegal**  
12 **drugs that day?**  
13 A. No, sir.  
14 **Q. They kept you overnight there**  
15 **at the hospital?**  
16 A. Yes, sir.  
17 **Q. And did they clean out your**  
18 **hand?**  
19 A. They cleaned it, yes, sir, and  
20 stitched it up.  
21 **Q. What'd they tell you -- What**  
22 **did they recommend for treatment next?**  
23 A. They sent me to Birmingham.

Page 84

1 **Q. You went to UAB?**  
2 A. UAB Hospital, yes, sir.  
3 **Q. What did they do for you at**  
4 **UAB?**  
5 A. They took me straight up to  
6 the emergency room.  
7 **Q. All right. Before we talk**  
8 **about that, let me go back to the day of**  
9 **this incident. You dropped the gun?**  
10 A. After I got shot, yes, sir.  
11 **Q. And as far as you know, did**  
12 **someone else get the gun?**  
13 A. After a little while later  
14 that day, my uncle I guess, my Aunt Bobby  
15 was fixing to marry Chris Dennis. And he  
16 went back to their house. And my uncle  
17 Ralph's and Aunt Bobby's house, and picked  
18 up the gun.  
19 **Q. I'm sorry. Who is it that**  
20 **picked them up?**  
21 A. Chris Dennis.  
22 **Q. Chris Dennis?**  
23 A. Yes, sir.

21 (Pages 81 to 84)



LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 85

1 Q. Who is Chris?  
2 A. He's my Aunt Bobby's husband,  
3 now.  
4 Q. Okay. Do you know if anyone  
5 picked them up out of the field?  
6 A. He did.  
7 Q. Chris did. Okay.  
8 A. Everybody was at the hospital.  
9 Q. All right. What did he do  
10 with the guns after he --  
11 A. He took them to his house and  
12 he put them in the safe. And he said when  
13 he was walking up the steps to his front  
14 door the barrel fell off with him there. It  
15 just fell off and he picked both pieces up  
16 and put them into his safe.  
17 Q. Did any law enforcement people  
18 interview you at the hospital?  
19 A. I don't really know.  
20 Q. Did any law enforcement people  
21 ever interview you?  
22 A. I don't think so. My mom  
23 would know if they did or not.

Page 86

1 Q. All right. Where does  
2 Mr. Dennis live?  
3 A. He -- At the time, he lived at  
4 503 Wellington Street in Valley. But now  
5 him and my Aunt Bobby live somewhere out of  
6 the city limits, close to where we live.  
7 Q. You don't know the street?  
8 A. No, sir.  
9 Q. Have you ever fired this  
10 Norinco shotgun since this incident?  
11 A. No, sir.  
12 Q. Has it ever been fired in your  
13 presence since this incident?  
14 A. No, sir. It's been gone.  
15 Q. Do you know of anyone who's  
16 fired it since this incident?  
17 A. No, sir. This is the second  
18 time I've seen it since the incident.  
19 Q. So, you haven't seen it until  
20 this day?  
21 A. The second time today.  
22 Q. When is the first time you saw  
23 it?

Page 87

1 A. Right before the lawyers got  
2 it.  
3 Q. Okay. And did you look it  
4 over that first time after the incident?  
5 A. No, sir. I just seen it. I  
6 didn't pick it up.  
7 Q. You didn't pick it up?  
8 A. No, sir.  
9 Q. Now, you said Chris said --  
10 told you the gun -- the barrel fell off?  
11 A. Uh-huh.  
12 Q. Did he say whether the barrel  
13 fell off when he picked it up in the field?  
14 A. He didn't say that. He said  
15 when he was walking up the steps into his  
16 front door, the barrel just slid right off  
17 and fell off into the floor.  
18 Q. Is it possible, when you were  
19 out there in the field right before you  
20 injured yourself, that the barrel did not  
21 fall off?  
22 MR. HODGES: Object to the  
23 form.

Page 88

1 A. I really don't know. I  
2 believe it was sliding off.  
3 Q. But it may have been not  
4 sliding at all?  
5 MR. HODGES: Object to the  
6 form.  
7 Q. In other words, how sure are  
8 you that the barrel came off when you were  
9 out there in the field?  
10 A. I'm not really sure. I just  
11 know that it fell off when he told me.  
12 That's the reason I figured.  
13 Q. Okay. So, when Chris Dennis  
14 told you the barrel had fallen off when he  
15 was handling it, you figured that maybe the  
16 barrel fell off when you handled it?  
17 MR. HODGES: Object to the  
18 form.  
19 Q. Pardon? That would be yes?  
20 A. I didn't say yes or no.  
21 Q. Oh, I'm sorry. I couldn't  
22 hear you. My question was: When Chris told  
23 you the barrel fell off for him, did you

22 (Pages 85 to 88)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 89

Page 91

1 figure that it must have fallen off for you?

2 A. If it was broken at the time,  
3 yes.

4 Q. So, they took you to UAB to be  
5 treated up there?

6 A. Yes, sir.

7 Q. What did they do for you at  
8 UAB?

9 A. They took, more or less, the  
10 packing out of my hand.

11 Q. Okay.

12 A. And put me into the hospital.  
13 And for about two or three weeks I had the  
14 surgeries off and on, all three weeks of it.

15 Q. So, you were in the hospital  
16 the entire time?

17 A. Yes, sir.

18 Q. And you didn't go home to --  
19 here in Chambers County during that period?

20 A. No, sir.

21 Q. They kept you the whole time?

22 A. The whole time, yes, sir.

23 Q. And they discharged you from

1 this one (indicating.)

2 Q. So, it would be your first  
3 finger, your second finger and your third,  
4 your ring finger?

5 A. Yes, sir.

6 Q. So, your pinky finger was not  
7 harmed?

8 A. No, sir.

9 Q. What about your thumb?

10 A. Yes, sir. It was harmed. I  
11 can only move it just a hair.

12 Q. Pardon?

13 A. I can only move it just a  
14 little bit.

15 Q. Did you lose some of the bone  
16 in your thumb?

17 A. I think back here, yes, sir,  
18 (indicating).

19 Q. Back on the back side of your  
20 hand?

21 A. Yes, sir. I'm not really sure  
22 on that part. But I know I lost the nerves,  
23 the tendon.

Page 90

Page 92

1 UAB in December?

2 A. Yes, sir.

3 Q. All right. Now, what -- Where  
4 was your hand injured?

5 A. The very center of my hand,  
6 and the bullet came out right here  
7 (indicating).

8 Q. And the -- Pardon?

9 A. The bullet came out right  
10 there (indicating).

11 Q. Okay. The bullet came out of  
12 the back of your hand?

13 A. Uh-huh.

14 Q. And you injured the center of  
15 your hand?

16 A. Yes, sir.

17 Q. All right. And did you injure  
18 your fingers?

19 A. The fingers, itself, no, sir,  
20 but the bones, tendons and nerves and  
21 muscles and all that is gone, yes, sir.

22 Q. Which of your fingers?

23 A. This one, this one and most of

1 Q. Now, what kind of surgeries  
2 did they do on you at UAB?

3 A. They done a skin graft, a bone  
4 graft. They found one of my nerves up here  
5 (indicating) and they pulled it back down.  
6 They're fixing to do a tendon graft next  
7 month. They done some scar tissue removal.  
8 They've done some other little surgeries.

9 Q. I saw a reference to a groin  
10 flap that they did in December.

11 A. What was that? What were they  
12 doing there? They put that big skin on my  
13 hand there (indicating).

14 Q. They took it off of your  
15 groin?

16 A. They attached my hand to my  
17 hip for two weeks.

18 Q. Okay. Was this while you were  
19 in the hospital?

20 A. Half of it while I was in the  
21 hospital and the rest of it I was outside of  
22 the hospital.

23 Q. Was this the palm of your hand

23 (Pages 89 to 92)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 93

Page 95

1 or the back of your hand that was attached?  
2 A. The back of my hand.  
3 Q. So, they attached the back of  
4 your hand to what?  
5 A. To my hip, like that  
6 (indicating).  
7 Q. And you had that for about how  
8 long?  
9 A. Two or three weeks.  
10 Q. And then you went back to UAB?  
11 A. Sometime after Christmas that  
12 year, yes, sir.  
13 Q. Did they take your hand off?  
14 A. They detached it, yes, sir.  
15 And I think that surgery, they disconnected  
16 it and I went home. And then a little while  
17 later I went back for another surgery.  
18 Q. And did you have physical  
19 therapy then, that early winter or spring?  
20 A. Not then, no, sir.  
21 Q. Did you go to East Alabama  
22 Medical Center?  
23 A. The hospital itself.

1 us head on.  
2 Q. You and your brother and your  
3 mother were in the Excursion?  
4 A. No. Me and my brother and my  
5 cousin.  
6 Q. Oh, I'm sorry. So this --  
7 Which brother is this?  
8 A. Cody.  
9 Q. And which cousin?  
10 A. Michael Ledbetter.  
11 Q. Ledbetter?  
12 A. Yes, sir.  
13 Q. And y'all were in the  
14 Excursion?  
15 A. Yes.  
16 Q. And who was driving?  
17 A. Cody.  
18 Q. And where were you?  
19 A. I was in the back seat.  
20 Q. All right. And were you  
21 belted?  
22 A. Yes, sir.  
23 Q. Which of the seats in the back

Page 94

Page 96

1 Q. For your physical -- You had  
2 physical therapy at some point; right?  
3 A. Yes, sir. It's at East  
4 Alabama Center, yes, sir.  
5 Q. And you also went back to UAB,  
6 looking at your records, it looked like in  
7 June of '04, for some additional surgery?  
8 A. Yes, sir.  
9 Q. All right. Did you have any  
10 physical therapy between that surgery at UAB  
11 in June and when they discharged you in  
12 December?  
13 A. I'm not really sure, but I  
14 think so. I'm not sure, though.  
15 Q. And then after that June  
16 surgery, did you have more physical therapy?  
17 A. Yes, sir.  
18 Q. I saw you were in an auto  
19 accident about a year after this incident?  
20 A. Yes, sir.  
21 Q. Tell me about that.  
22 A. Well, my brother was driving  
23 my mom's Excursion and a guy in a Lexus hit

1 were you sitting in?  
2 A. Back passenger's seat.  
3 Q. Were you behind the driver --  
4 So, you were behind the passenger?  
5 A. I mean, the driver's seat.  
6 I'm sorry.  
7 Q. You were behind the driver?  
8 A. Yes, sir.  
9 Q. What vehicle did you collide  
10 with?  
11 A. A Lexus.  
12 Q. And did the police cite anyone  
13 in that accident?  
14 A. Do what, now?  
15 Q. Did the police cite anyone,  
16 issue a paper saying someone had done  
17 something wrong?  
18 A. I'm not really sure. I think  
19 so. I'm not sure, though.  
20 Q. Did you go to the emergency  
21 room because of that?  
22 A. Yes, sir.  
23 Q. Who was driving the other

24 (Pages 93 to 96)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 97

Page 99

1 vehicle?  
2 A. I think his name was Mitch  
3 Mitchell.  
4 Q. Okay. And this was a -- Was  
5 this a Lexus car or SUV?  
6 A. Car.  
7 Q. You were driving the SUV --  
8 You were in the SUV?  
9 A. I was in the SUV.  
10 Q. How fast were y'all going?  
11 A. I would say the speed limit on  
12 that road.  
13 Q. What's the speed limit on that  
14 road?  
15 A. I'm not really sure. I hadn't  
16 been on that road in about a year.  
17 Q. What road was this?  
18 A. It was somewhere over by the  
19 truck stop.  
20 Q. Where is's the truck stop?  
21 A. In was Hugely.  
22 Q. How fast was the Lexus going,  
23 do you know?

1 me a little bit of Lortab for pain. I  
2 didn't take it.  
3 Q. Did you have to go back to be  
4 treated for your hand again?  
5 A. No, sir.  
6 Q. You've -- I saw the records.  
7 It looks like you had a surgery about June a  
8 year ago, now, bone graft reconstruction.  
9 A. Yes, sir.  
10 Q. They're trying to reconstruct  
11 your fingers?  
12 A. Yes, sir.  
13 Q. Have you've had any surgeries  
14 since then?  
15 A. Bone graft. I think they done  
16 a scar tissue removal.  
17 Q. Okay. Was that at UAB?  
18 A. Yes, sir.  
19 Q. When's the most recent surgery  
20 you had?  
21 A. I believe it was the scar  
22 tissue removal. And I've got to have  
23 another one next month.

Page 98

Page 100

1 A. I have no idea.  
2 Q. And did you injure your right  
3 hand in that accident?  
4 A. Yes, sir.  
5 Q. How did you injury it?  
6 A. It jammed this finger  
7 (indicating).  
8 Q. That's your fourth finger?  
9 A. Yes, sir. It jammed it back  
10 and my hand swelled up about that big  
11 (indicating).  
12 Q. And where were you treated?  
13 A. At Lanier Memorial Hospital.  
14 Q. What did they have to do?  
15 A. Took X-rays.  
16 Q. Did they do any surgeries?  
17 A. No, sir.  
18 Q. Did they put the hand in a  
19 splint or any such thing like that?  
20 A. I don't believe so, no, sir.  
21 Q. Did they give you any  
22 medicine?  
23 A. I think they might have give

1 Q. In July?  
2 A. July.  
3 Q. What are they going to do in  
4 July?  
5 A. Tendon graft.  
6 Q. Do you know what future  
7 surgeries are going to be required?  
8 A. No, sir.  
9 Q. You don't know whether you  
10 will or will not need additional surgery?  
11 A. I believe I will need more.  
12 Q. Is there one particular doctor  
13 at UAB that you've been working with?  
14 A. Dr. James Long.  
15 Q. Long?  
16 A. Long.  
17 Q. Do you have a doctor here in  
18 Chambers County that you're seeing regular  
19 for your hand?  
20 A. No, sir.  
21 Q. Do you have a family doctor  
22 here?  
23 A. I think so. Dr. Hemberg.

25 (Pages 97 to 100)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 101

1 Q. Pardon?  
2 A. Dr. Hemberg.  
3 Q. Hemberg?  
4 MR. HODGE: H-E-M-B-E-R-G.  
5 MR. HIGEY: All right. I  
6 appreciate that.  
7 Q. Where is Dr. Hemberg?  
8 A. I believe it's Lanier Memorial  
9 physician area or whatever.  
10 Q. Do you have any other doctors  
11 in Chambers County or the surrounding area  
12 that you've been seeing?  
13 A. No, sir.  
14 Q. What current use do you have  
15 of your hand?  
16 A. I can move my pinky. I can  
17 move a little bit of that one, not much, and  
18 a little bit of my thumb (indicating).  
19 Q. You're talking about your ring  
20 finger, you can move it a little bit?  
21 A. Uh-huh.  
22 Q. And you can move your thumb a  
23 little bit?

Page 102

1 A. Uh-huh.  
2 Q. You're wearing, it looks like  
3 a brace.  
4 A. A splint.  
5 Q. A splint. Do you wear it --  
6 A. It's holding these fingers  
7 down (indicating), because we're getting  
8 ready for the next surgery.  
9 Q. Okay. I see. And do you wear  
10 the splint all the time?  
11 A. I take it off sometimes.  
12 Q. Do you take it off when you  
13 sleep?  
14 A. Yes, sir.  
15 Q. How long have you been wearing  
16 a splint?  
17 A. Since the -- About a few  
18 months.  
19 Q. Are you going to be wearing a  
20 splint after your next surgery?  
21 A. Probably not this one. Maybe  
22 another one.  
23 Q. In terms of pain, what pain do

Page 103

1 you have, if any, in that right hand?  
2 A. On a scale of one through ten,  
3 probably a three or four right now.  
4 Q. Right here as we speak today?  
5 A. Yes, sir.  
6 Q. Does it vary during the day?  
7 A. Sometimes, yes, sir.  
8 Q. How low does it get?  
9 A. Sometimes a sharp pain just  
10 jumps through it and it hurts real bad, and  
11 sometimes there ain't no pain at all.  
12 Q. Are you taking any medication  
13 today?  
14 A. No, sir.  
15 Q. Do you take any medication  
16 currently?  
17 A. No, sir. Not lately.  
18 Q. Do you have a prescription for  
19 pain medicine?  
20 A. After surgeries, he give me  
21 one, but I don't take them.  
22 Q. You're not taking any other  
23 sort of medications?

Page 104

1 A. No, sir.  
2 Q. Have you seen a person called  
3 a vocational consultant, an individual who  
4 works with you to try and figure out what  
5 you're able to do and what you're able not  
6 to do?  
7 A. I don't believe so.  
8 Q. Are you able to cut your food?  
9 A. I get my mom to do that for  
10 me.  
11 Q. So, you don't do it yourself?  
12 A. No, sir.  
13 Q. You're not able to hold a  
14 knife or a fork in your right hand?  
15 A. No, sir.  
16 Q. When you eat, do you eat with  
17 your left hand?  
18 A. Yes, sir.  
19 Q. Are you able to write?  
20 A. Trying. It's sloppy, but I'm  
21 able to.  
22 Q. Do you write -- Which hand do  
23 you write with?

26 (Pages 101 to 104)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 105

1 A. Left now.  
2 Q. Do you try to write with your  
3 right hand at all?  
4 A. No, sir.  
5 Q. Do you drive an automobile  
6 now?  
7 A. A little bit, yes, sir.  
8 Q. Is this an automatic  
9 transmission?  
10 A. Yes, sir.  
11 Q. Are you able to drive  
12 right-handed?  
13 A. Left-handed, yes, sir.  
14 Q. But you can't drive  
15 right-handed?  
16 A. No, sir, I can't.  
17 Q. How do you shift it in and out  
18 of gear?  
19 A. I've got to reach over and get  
20 it and pull it down.  
21 Q. So, you use your left hand?  
22 A. Yes, sir.  
23 Q. What kind of vehicle are you

Page 106

1 driving?  
2 A. A Trans Am.  
3 Q. Are you able to wash with your  
4 right hand under your left arm?  
5 A. No, sir. It's very hard.  
6 Q. Are you -- I guess right now  
7 you are not able to touch your thumb with  
8 your fingers?  
9 A. No, sir.  
10 Q. When you take this splint off  
11 or the brace off, are you able to touch your  
12 fingers?  
13 A. No, sir.  
14 Q. Are you able to touch your  
15 pinky with your thumb?  
16 A. No, sir.  
17 Q. Can you tie your shoes?  
18 A. No, sir.  
19 Q. And how do you get your shoes  
20 on. You're wearing shoes without ties, I  
21 see.  
22 A. Yes, sir.  
23 Q. No shoe strings. And if I

Page 107

1 already asked you this at the beginning of  
2 the deposition, I apologize. I just don't  
3 remember. Are you currently working  
4 anywhere?  
5 A. No, sir.  
6 Q. Okay. You're fixing to go to  
7 school this fall?  
8 A. Yes, sir.  
9 Q. What are you doing during the  
10 summer?  
11 A. Right now, nothing. And going  
12 up to DC this next week.  
13 Q. What are you going to go to DC  
14 for?  
15 A. Visit my dad.  
16 Q. Is that where he lives, then?  
17 A. Yes, sir.  
18 Q. How long are you planning on  
19 being up there?  
20 A. One week.  
21 Q. Have you spoken with anyone  
22 since your injury about your prospects for  
23 employment and what you can do for a living?

Page 108

1 A. A little bit. Some people  
2 tell me I'm not really capable of doing the  
3 job they would want somebody to do.  
4 Q. Who's saying that?  
5 A. I can't remember. Just some  
6 of the -- employers.  
7 Q. Now, all of your medical  
8 expenses, have those been paid -- taken care  
9 of by your mama?  
10 A. Yes, sir. And insurance.  
11 Q. And you've not handled those  
12 directly?  
13 A. No, sir.  
14 Q. Have you tried to obtain  
15 employment anywhere and been denied  
16 employment because of your hand?  
17 A. No, sir.  
18 Q. Do you know who owned this gun  
19 before you bought it?  
20 A. Pawn City.  
21 Q. Do you know who Pawn City got  
22 it from?  
23 A. No, sir.

27 (Pages 105 to 108)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 109	Page 111
<p>1 Q. You've never heard who Pawn  2 City got it from?  3 A. No, sir.  4 Q. Ralph Stewart is your cousin?  5 A. Uncle.  6 Q. Uncle. Pardon me.  7 A. Ex-uncle.  8 Q. And he was formerly married to  9 Bobby?  10 A. Yes, sir.  11 Q. Who is now married to  12 Mr. Dennis?  13 A. Yes, sir.  14 Q. Have you ever met Mr. Tom  15 Butters?  16 A. No, sir.  17 Q. Have you ever spoken with  18 Mr. Butters?  19 A. No, sir.  20 Q. Have you ever given a  21 statement to a tape recorder or a court  22 reporter like this about this incident?  23 A. No, sir.</p>	<p>1 Record. The time is now 11:42.  2 (Recess taken.)  3 VIDEOGRAPHER: We're back on  4 the Record. The time is now 11:48.  5 Q. (Mr. Higey) Mr. Bonner, where  6 did your Aunt Bobby live when all this  7 happened?  8 A. I can't -- In Hugely. I can't  9 -- I don't know the address.  10 Q. Where were you shooting? What  11 direction were you shooting?  12 A. In front of her house.  13 Q. All right. What were you  14 shooting toward?  15 A. A tree or something.  16 Q. Is there a public road in  17 front of her house?  18 A. There's like her driveway,  19 more or less. There's some -- There's more  20 people's driveway, also.  21 Q. In relation to where you're  22 shooting, is there a road nearby? Were you  23 shooting in the direction of a road?</p>
Page 110	Page 112
<p>1 Q. So, you do not remember  2 whether, when this incident occurred,  3 whether you had your hand on the trigger or  4 not?  5 A. No, sir, I don't remember.  6 Q. And you don't remember whether  7 the barrel fell off?  8 MR. HODGES: Object to the  9 form. You can answer.  10 A. Oh, okay. I didn't know.  11 Q. Yeah. No. You're allowed to  12 answer. Go ahead and answer.  13 A. What's the question?  14 Q. You don't remember whether the  15 barrel fell off?  16 A. No, sir.  17 MR. HIGHEY: This gentleman may  18 have some questions for you.  19 MR. HODGE: No questions.  20 MR. HIGHEY: Can we take a  21 break before we conclude our examination?  22 MR. HODGE: Sure.  23 VIDEOGRAPHER: Going off the</p>	<p>1 A. No, sir.  2 Q. Were you shooting in the  3 direction of her house?  4 A. No, sir.  5 Q. Were you shooting in the  6 direction of any house?  7 A. No, sir.  8 Q. You were shooting toward a  9 tree?  10 A. Yes, sir.  11 Q. Just one tree or a bunch of  12 trees?  13 A. A few trees.  14 Q. And her house was to your  15 right and back?  16 A. Uh-huh.  17 Q. And what was to your left?  18 A. Woods.  19 Q. Was her driveway -- Where was  20 her driveway in relation to where you were  21 standing?  22 A. Behind me.  23 Q. Behind you?</p>

28 (Pages 109 to 112)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 113

1 A. Well, kind of to the left and  
2 behind me, to the right and behind,  
3 somewhere around in there.

4 MR. HIGLEY: Those are all of  
5 my questions. We're done.

6 VIDEOGRAPHER: This marks the  
7 end of videotape number one and concludes  
8 the deposition. We're going off the Record.  
9 The time is now 11:50.  
10 (The deposition was concluded at 11:50 a.m.,  
11 June 8, 2006.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

Page 114

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,  
3 ELMORE COUNTY,

4 I, Sara Mahler, Certified Shorthand  
5 Reporter and Commissioner for the State of  
6 Alabama at Large, do hereby certify that the  
7 above and foregoing proceeding was taken  
8 down by me by stenographic means, and that  
9 the content herein was produced in  
10 transcript form by computer aid under my  
11 supervision, and that the foregoing  
12 represents, to the best of my ability, a  
13 true and correct transcript of the  
14 proceedings occurring on said date and at  
15 said time.

16 I further certify that I am neither  
17 of kin nor of counsel to the parties to the  
18 action; nor in any manner interested in the  
19 result of said case.  
20  
21

22 \_\_\_\_\_  
23 Sara Mahler, CSR,  
for the State of  
Alabama at Large.

29 (Pages 113 to 114)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 115

<p><b>A</b></p> <p>ability 114:12</p> <p>able 54:13 66:18 104:5 104:5,8,13,19,21 105:11 106:3,7,11,14</p> <p>accepted 11:14</p> <p>accident 50:16 94:19 96:13 98:3</p> <p>accounting 10:22</p> <p>acre 61:3</p> <p>acres 23:23</p> <p>acting 6:18</p> <p>action 35:3 42:3 46:13 50:1 53:19 66:18 114:18</p> <p>Adams 5:23</p> <p>additional 94:7 100:10</p> <p>address 8:19 31:7 60:23 111:9</p> <p>adult 35:10,10,16</p> <p>advised 3:2</p> <p>affirmative 67:19</p> <p>age 10:7 18:11</p> <p>ago 22:4,11 78:20 99:8</p> <p>AGREED 1:12 2:2,9 2:18</p> <p>ahead 39:8 110:12</p> <p>aid 114:10</p> <p>aimed 26:18</p> <p>aiming 70:13</p> <p>ain't 103:11</p> <p>air 75:6</p> <p>al 1:5,8 5:5,8</p> <p>Alabama 1:2,18 2:19 5:2,17,21 6:2,6,10,18 6:20 7:1,12 93:21 94:4 114:2,6,23</p> <p>alcohol 82:19</p> <p>allowed 110:11</p> <p>Amber 24:22 25:11</p> <p>ambulance 81:23</p> <p>Amended 2:20</p> <p>ammunition 27:12,16</p> <p>angle 73:9 77:19,22</p> <p>answer 9:6,21 110:9,12 110:12</p> <p>anybody 26:18</p> <p>apart 29:12 33:1 36:4,8 73:4</p> <p>apologize 107:2</p> <p>APPEARANCES 5:13</p> <p>appeared 32:17</p> <p>appearing 5:17,21 6:2 6:6,11</p>	<p>appreciate 101:6</p> <p>area 74:14 101:9,11</p> <p>arm 106:4</p> <p>Arms 1:8 5:8 6:3,7 7:9 7:21 8:2</p> <p>Army 24:14</p> <p>asked 9:20 30:20 32:21 35:19,23 36:3,5 39:15,16 79:2,12 107:1</p> <p>assembled 47:6</p> <p>assign 2:13</p> <p>Associates 6:9</p> <p>associations 15:17</p> <p>assume 61:15</p> <p>attached 92:16 93:1,3</p> <p>attention 70:20 72:5</p> <p>attracted 37:12</p> <p>ought 19:20</p> <p>aunt 56:21 60:14,17 61:5,11 77:21 78:5 78:12,19 79:13,15 80:8 81:5,8,11 84:14 84:17 85:2 86:5 111:6</p> <p>aunt's 56:17,19 60:1 77:18</p> <p>Austin 6:15</p> <p>auto 94:18</p> <p>automatic 105:8</p> <p>automobile 105:5</p> <p>automotive 13:4,6,10 14:15 15:4,14 24:11</p> <p>Avenue 1:17 5:20 6:1,5 6:23</p> <p>awhile 78:20</p> <p>a.m 7:2 113:10</p> <p align="center"><b>B</b></p> <p>back 14:14 26:16 31:14 34:2 38:18 51:14 52:14 53:23 56:13,15 57:13 59:23 67:12 69:21 70:3 73:10 77:4 84:8,16 90:12 91:17,19,19 92:5 93:1,2,3,10,17 94:5 95:19,23 96:2 98:9 99:3 111:3 112:15</p> <p>bad 103:10</p> <p>barrel 27:1 29:18,19,23 37:19,22,23 47:9,12 47:19 54:9 55:1,3,6 55:13,17 56:1 71:10</p>	<p>71:13 74:6 75:2,5,14 75:18,23 76:2,7,12 76:18,18 80:11 85:14 87:10,12,16,20 88:8 88:14,16,23 110:7,15</p> <p>beginning 7:1 107:1</p> <p>begins 7:6</p> <p>behalf 5:18,22 6:3,7,11 7:19,21</p> <p>believe 44:3 46:19 51:13,16 61:13 64:11 68:1 69:23 73:3,14 74:18,22 75:22 78:3 81:2 88:2 98:20 99:21 100:11 101:8 104:7</p> <p>belted 95:21</p> <p>belts 14:4</p> <p>best 10:3 114:12</p> <p>better 10:4</p> <p>big 47:4 92:12 98:10</p> <p>birdshot 27:14 48:20</p> <p>Birmingham 5:17 6:2 6:10 82:16 83:23</p> <p>birth 10:10</p> <p>bit 15:21 17:23 31:16 91:14 99:1 101:17,18 101:20,23 105:7 108:1</p> <p>black 32:11 37:14</p> <p>blue 65:1</p> <p>Bobby 56:23,23 57:1 60:17 81:8,11 84:14 86:5 109:9 111:6</p> <p>Bobby's 60:15 61:5,11 77:21 78:5,12,19 79:13,15 80:8 84:17 85:2</p> <p>bolt 54:17</p> <p>bone 91:15 92:3 99:8 99:15</p> <p>bones 90:20</p> <p>Bonner 1:5,15,21 5:5 7:2,8,8 8:5,16,18,20 8:22 9:3 10:6 12:3,8 24:17,19 111:5</p> <p>bottom 54:3</p> <p>bought 30:21 33:11,15 35:13,15 42:15,17 44:4,20 50:19 51:10 52:19 108:19</p> <p>box 46:2 50:9 51:9,10 51:18,20 63:14</p> <p>boxes 49:4</p>	<p>brace 102:3 106:11</p> <p>brakes 13:12 14:1</p> <p>break 9:16,19,22 21:14 110:21</p> <p>Brian 1:5,15,21 5:5 7:2 7:8,8 8:5,18</p> <p>bring 19:11,14 59:9</p> <p>bristles 55:13</p> <p>broken 89:2</p> <p>brother 24:10,12 25:5 25:8 45:20 48:23 52:22 94:22 95:2,4,7</p> <p>brothers 24:3,10</p> <p>brother's 24:15,18</p> <p>brought 59:7,8,11,17</p> <p>brush 55:18</p> <p>buddy 30:16,22 31:1</p> <p>bullet 56:7 66:1 90:6,9 90:11</p> <p>bullets 48:6 49:10</p> <p>bump 74:14</p> <p>bunch 112:11</p> <p>Burdick 6:15</p> <p>business 10:21 16:13 16:22 23:18</p> <p>Butters 109:15,18</p> <p>button 69:21</p> <p>buy 34:16 35:16 39:8 42:19 57:9</p> <p>B.J 59:1,20 61:21 62:5 66:6,7 67:15 68:19 68:22 70:10 72:6 77:1 79:12,23 81:15</p> <p align="center"><b>C</b></p> <p>Caldwell 6:5</p> <p>call 31:23 54:6 82:2</p> <p>called 104:2</p> <p>cap 47:15,16</p> <p>capable 14:14 108:2</p> <p>car 15:21 16:1 38:12 38:13 59:21 97:5,6</p> <p>care 108:8</p> <p>cars 13:11,16,22</p> <p>case 1:4 5:4 7:9 30:11 114:19</p> <p>cause 7:3</p> <p>caused 72:13</p> <p>center 90:5,14 93:22 94:4</p> <p>CERTIFICATE 114:1</p> <p>Certified 114:4</p> <p>certify 6:19 114:6,16</p> <p>chamber 54:17</p>	<p>Chambers 1:2 5:2 82:7 89:19 100:18 101:11</p> <p>chance 14:11</p> <p>change 14:3 16:6</p> <p>changed 13:11</p> <p>changing 13:23</p> <p>check 28:1 40:10</p> <p>checked 32:23 33:2 36:6 39:20 40:1,3,5,7</p> <p>Chicken 17:12</p> <p>Chris 84:15,21,22 85:1 85:7 87:9 88:13,22</p> <p>Christmas 22:5 44:2 93:11</p> <p>CIRCUIT 1:1 5:1</p> <p>cite 96:12,15</p> <p>city 6:12 31:20,21 32:6 33:12,19 34:7 56:15 86:6 108:20,21 109:2</p> <p>Civil 2:19 6:20</p> <p>class 14:7,15 15:4,8</p> <p>classes 14:9</p> <p>clays 21:4</p> <p>clean 29:18,20 54:23 55:2,5,22 83:17</p> <p>cleaned 29:23 55:1 83:19</p> <p>cleaning 17:14 29:17 55:7,17 56:1</p> <p>clear 71:1</p> <p>clerk 36:19 37:2 39:23 40:16,19</p> <p>clerk's 36:23</p> <p>click 69:19 72:19</p> <p>clicked 72:18</p> <p>close 86:6</p> <p>closet 19:4</p> <p>cloth 55:21</p> <p>cloths 55:10</p> <p>club 18:6</p> <p>clubs 15:17</p> <p>cock 53:17,18</p> <p>cocked 26:15 46:22</p> <p>Cody 24:19 45:20 46:17 52:10,13,18,20 95:8,17</p> <p>collide 96:9</p> <p>color 37:15</p> <p>come 30:14 43:4 52:14 78:22 79:2,9 80:11 81:17</p> <p>Commissioner 5:12 6:19 114:5</p> <p>completely 66:22 67:4</p>
--	---	---	---	--

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 116

67:22  
**compliance** 2:5  
**computer** 114:10  
**conclude** 110:21  
**concluded** 113:10  
**concludes** 113:7  
**confusing** 10:2  
**confusion** 72:14  
**considered** 21:20  
**consultant** 104:3  
**contact** 63:17,19  
**contacts** 29:7  
**content** 114:9  
**continue** 15:5  
**continued** 22:7  
**Cooking** 17:14  
**Corporation** 1:8 5:8  
**correct** 114:13  
**corrective** 29:6  
**counsel** 1:14 2:10,12  
6:22 7:15,16 114:17  
**counselor** 14:19  
**counselor's** 14:20  
**counter** 41:8  
**County** 1:2 5:2 82:7  
89:19 100:18 101:11  
114:3  
**couple** 11:17 34:3  
38:18 39:16 49:9  
55:19  
**course** 13:10,13  
**courses** 12:21 13:3  
**court** 1:1 2:6 3:3,4 5:1  
6:17 8:8 9:10 109:21  
**cousin** 58:20 59:2,3  
95:5,9 109:4  
**cousins** 56:15 57:7 59:4  
61:9  
**CSR** 1:16 6:17 114:22  
**current** 10:7 101:14  
**currently** 103:16 107:3  
**Curt** 6:4 8:1  
**cut** 104:8  
**CV** 7:9  
**CV-05-02** 1:4 5:4

**D**

**D** 4:2  
**dad** 12:1 20:6 21:12,14  
107:15  
**daddy** 11:23 25:17  
**date** 6:19 7:12 10:9  
44:14 50:17 114:14  
**David** 5:14 7:18

**day** 1:18 2:23 41:15,23  
44:18,23 45:1 46:11  
46:16,17 47:22,23  
49:8,11 50:20 51:11  
56:10,11,12 58:13,21  
60:9 62:23 64:2,17  
65:5 68:14,20 71:21  
82:13,15 83:9,12  
84:8,14 86:20 103:6  
**days** 30:18 33:15 34:3  
38:18 48:4 50:18  
52:19  
**DC** 107:12,13  
**December** 90:1 92:10  
94:12  
**Defendant** 6:3,7,11  
**Defendants** 1:9 5:9  
**delivering** 2:21  
**denied** 108:15  
**Dennis** 57:1,2 84:15,21  
84:22 86:2 88:13  
109:12  
**deposition** 1:14,21 2:3  
2:4,15 7:7,10 8:23  
9:3,5,16 107:2 113:8  
113:10  
**depositions** 2:7  
**describe** 41:21 72:1  
**detached** 93:14  
**different** 40:22  
**difficulties** 50:4  
**difficulty** 46:12 49:23  
66:19  
**direction** 111:11,23  
112:3,6  
**directly** 54:17 108:12  
**disassemble** 29:13  
**disassembled** 30:12  
**disassembly** 30:7  
**discharge** 71:7 82:12  
**discharged** 72:20 80:17  
89:23 94:11  
**disconnected** 93:15  
**dismount** 29:19 47:8  
47:12,18  
**distance** 63:15  
**doctor** 100:12,17,21  
**doctors** 101:10  
**doing** 10:19 28:1 56:11  
81:5 92:12 107:9  
108:2  
**door** 85:14 87:16  
**dot** 70:5,6,8  
**Dr** 100:14,23 101:2,7

**drinking** 82:18  
**drive** 105:5,11,14  
**driver** 96:3,7  
**driver's** 96:5  
**driveway** 111:18,20  
112:19,20  
**driving** 38:5,11 57:16  
57:18 94:22 95:16  
96:23 97:7 106:1  
**drop** 51:22 52:3  
**dropped** 52:1 81:2 84:9  
**drove** 38:8  
**drugs** 82:22 83:9,12  
**dry** 36:20 42:5 71:17  
71:22  
**duly** 8:6  
**Dutton** 5:15

**E**

**E** 4:2  
**ear** 28:10,13,15 64:6,10  
**Earlier** 56:12  
**early** 93:19  
**easier** 38:1  
**East** 93:21 94:3  
**eat** 104:16,16  
**effect** 2:5  
**effective** 2:20  
**eighteen** 37:20 57:21  
**eighteen-inch** 37:22  
**Either** 20:4  
**eleven** 12:18,19  
**ELMORE** 114:3  
**emergency** 82:9 84:6  
96:20  
**employers** 108:6  
**employment** 107:23  
108:15,16  
**emptied** 67:4  
**empty** 53:16 54:1 63:14  
**enforcement** 85:17,20  
**engine** 14:9 16:5,9 17:3  
**engines** 13:19  
**entire** 89:16  
**equipment** 16:15  
**Eric** 24:17  
**ESQUIRE** 5:14,19,23  
6:4,8  
**et** 1:5,8 5:5,8  
**events** 33:18  
**everybody** 15:11 85:8  
**evidence** 2:15  
**exact** 18:10 41:3  
**exactly** 40:10 57:23

**examination** 4:3 7:3  
8:14 110:21  
**examined** 8:6  
**example** 35:19  
**Excursion** 94:23 95:3  
95:14  
**Excuse** 19:6  
**exhaust** 14:6  
**exhibits** 3:1  
**expenses** 108:8  
**experience** 46:8  
**Ex-uncle** 109:7  
**eye** 28:3,6,20,22 37:9  
64:10

**F**

**facing** 77:1,15,18,21  
**fact** 68:16  
**fails** 27:22  
**fair** 9:13  
**fall** 33:1 36:3,8 73:4  
75:9 87:21 107:7  
**fallen** 88:14 89:1  
**family** 100:21  
**far** 53:11 65:21,23 66:2  
84:11  
**fashion** 75:11 79:16  
80:14  
**fast** 62:10 97:10,22  
**Felicia** 60:4,5,6 68:10  
**fell** 75:2 85:14,15 87:10  
87:13,17 88:11,16,23  
110:7,15  
**felt** 42:10  
**field** 61:17,19 65:14  
85:5 87:13,19 88:9  
**fifteen** 23:23 31:15  
**figure** 89:1 104:4  
**figured** 35:21 65:20,22  
66:1 88:12,15  
**filed** 3:4  
**filled** 67:22  
**fine** 8:10,11,13 9:11,17  
9:19  
**finger** 91:3,3,4,6 98:6,8  
101:20  
**fingers** 90:18,19,22  
99:11 102:6 106:8,12  
**finished** 46:20 58:5  
**fire** 27:22 36:13 41:19  
42:5 46:17 53:3,9  
65:3,8,19 67:1 69:3  
71:17,22  
**firearm** 35:11,16

**firearms** 22:7,10 23:8  
29:11 38:2 58:11  
**firearm-related** 57:10  
**fired** 26:16 35:5 37:3  
53:12 65:10,16 68:2  
68:13,17,19 86:9,12  
86:16  
**firing** 68:4,7 70:9  
**Firm** 1:17 5:20 6:23  
**first** 8:6 9:5,21 12:14  
18:9 21:9 33:7,10  
34:6 36:10 45:18  
46:6,9 66:8,17 70:19  
71:2,16 86:22 87:4  
91:2

**five** 54:15 66:13  
**fix** 16:3  
**fixing** 17:14 84:15 92:6  
107:6  
**flap** 92:10  
**flea** 56:14 57:10,13  
**floor** 87:17  
**following** 7:4  
**follows** 8:7  
**food** 104:8  
**football** 61:7,8  
**force** 2:4  
**foregoing** 6:21 114:7  
114:11  
**forget** 9:11  
**forgotten** 69:2  
**fork** 104:14  
**form** 2:11 87:23 88:6  
88:18 110:9 114:10  
**formerly** 109:8  
**forth** 69:22 70:3  
**found** 92:4  
**four** 46:4,6 51:6,7  
54:14 66:13 67:10,11  
68:3 69:5 103:3  
**fourth** 98:8  
**four-year** 11:11  
**Friday** 51:1  
**friend** 33:23 34:6 58:20  
**friends** 15:22 20:5  
52:15  
**front** 63:7,8,9 77:9,10  
85:13 87:16 111:12  
111:17  
**full** 2:5  
**further** 2:1,8,17 114:16  
**future** 100:6

**G**

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 117

Galleria 6:10  
 game 61:7,8  
 gauge 19:8,18 27:15,16  
   32:3,4 34:23 48:17  
   58:12,14 59:9,11,12  
   59:13,14,15,18 62:14  
   62:15 65:9,9,11,17  
   66:4 68:14,17,20  
 gauges 18:17,18 19:17  
 gear 105:18  
 gentleman 32:11,12,13  
   110:17  
 getting 102:7  
 Gillum 6:8 7:22,22  
   8:13  
 give 50:23 98:21,23  
   103:20  
 given 8:22 109:20  
 glasses 29:1,3 63:18,21  
 go 9:2,5,15 10:23 11:16  
   23:18 31:19 35:10  
   39:7 46:2 48:7,21  
   51:14 54:1 55:16  
   66:1 73:20 77:5  
   78:21 79:8,12 84:8  
   89:18 93:21 96:20  
   99:3 107:6,13 110:12  
 goes 16:2  
 going 10:23 11:4 14:14  
   26:19 33:1 78:19  
   97:10,22 100:3,7  
   102:19 107:11,13  
   110:23 113:8  
 good 40:8 42:1 63:9  
 Goodey 7:23  
 grab 73:2 74:11 75:17  
   75:23 76:2,12  
 grabbed 74:13,17,21  
   75:3,16 76:7 81:1,3  
 grabbing 75:21  
 grade 13:7  
 graduate 10:16  
 graduated 10:12,19  
 graft 92:3,4,6 99:8,15  
   100:5  
 granddaddy 26:2  
 groin 92:9,15  
 ground 9:4  
 grounds 2:13  
 growing 12:9  
 guess 10:21 12:23  
   27:23 31:22 40:6  
   54:6 55:11 68:16  
   84:14 106:6

gun 21:10 26:12,13,22  
   27:2,4,8,9,21 30:4,12  
   30:15 32:1,3,21 33:8  
   33:10,13 35:20 36:3  
   36:8,11,13,15 37:3  
   37:13,15,19 38:15  
   39:6,14 40:5,16 41:7  
   41:14,22 42:1,7,13  
   42:21 43:16 44:4,8  
   44:12,18,22 45:11  
   46:9,11,21 47:2,4,5  
   47:19 49:20 50:4,12  
   50:19 51:4,22 52:3,6  
   52:10,18,23 53:3,6  
   53:12,16 54:16 56:16  
   62:3 67:4,12,15,17  
   69:3,20 70:10 71:17  
   71:17 72:7 73:2,17  
   74:4,12 75:13 77:15  
   78:5,9 79:1,4,6,11,16  
   79:23 80:13 81:3  
   84:9,12,18 87:10  
   108:18  
 guns 15:22 18:9,15,23  
   19:2,5,11 21:20 22:1  
   30:17 33:4,9 37:5,10  
   40:2,8 43:9,11 60:11  
   62:12,16,18 65:3  
   85:10  
 guy 32:7 36:19 41:1,2,3  
   71:17 94:23  
 guys 64:9

**H**

hair 91:11  
 Half 92:20  
 hand 14:15 62:2 74:4  
   74:14,15,16,18,20  
   75:17,21 76:9,15  
   80:20 81:1,2,3,4,15  
   83:18 89:10 90:4,5  
   90:12,15 91:20 92:13  
   92:16,23 93:1,2,4,13  
   98:3,10,18 99:4  
   100:19 101:15 103:1  
   104:14,17,22 105:3  
   105:21 106:4 108:16  
   110:3  
 handed 41:8 72:23  
   74:5 78:4 79:1,4,6  
   80:1  
 handguns 22:20,21  
 handing 78:9  
 handle 36:11

handled 41:17 88:16  
   108:11  
 handling 88:15  
 hands 74:13 79:6  
 hands-on 13:13  
 hang 15:22  
 happen 72:16  
 happened 15:9 21:17  
   21:19 50:21 62:2,9  
   72:10 74:23 76:6  
   77:2 78:16 80:23  
   111:7  
 hard 9:9 22:8 106:5  
 harmed 91:7,10  
 head 15:3 67:18 95:1  
 headed 82:4,5  
 hear 88:22  
 heard 66:14 69:19  
   70:19 71:2,17,20  
   109:1  
 held 17:11 36:12 42:11  
 Hellums 5:15  
 help 9:4 17:5 29:8  
 Hemberg 100:23 101:2  
   101:3,7  
 Higey 2:22 4:5 5:23  
   7:20,20 8:10,15  
   101:5 110:17,20  
   111:5 113:4  
 high 10:12,15,17,19  
   12:20 15:14,17 58:5  
 Highway 31:23 48:12  
 hip 92:17 93:5  
 history 12:22  
 hit 94:23  
 hobbies 15:20  
 HODGE 5:14 8:11  
   101:4 110:19,22  
 Hodges 7:18,18 87:22  
   88:5,17 110:8  
 hold 17:16 37:10 38:1  
   41:18 104:13  
 holding 102:6  
 holds 54:14  
 hole 76:9  
 home 44:19 49:8 89:18  
   93:16  
 Hooks 5:15  
 hopefully 9:4  
 Hopewell 8:21  
 hospital 81:21 82:4,5  
   82:10 83:15 84:2  
   85:8,18 89:12,15  
   92:19,21,22 93:23

98:13  
 house 18:23 29:12  
   43:10 45:22 52:11,15  
   56:16,17,18,19 57:14  
   58:8,19 59:6,18 60:1  
   60:10 63:3,6 77:4,8  
   77:16,16,18,21 78:6  
   81:10,16 84:16,17  
   85:11 111:12,17  
   112:3,6,14  
 houses 20:5  
 Hugely 17:12 60:18  
   97:21 111:8  
 hunting 20:17,19,21  
   23:11  
 hurts 103:10  
 husband 79:13,15 85:2  
 H-E-M-B-E-R-G  
   101:4

**I**

ibuprofen 83:6  
 idea 38:4 76:4 98:1  
 identify 7:16  
 illegal 83:11  
 inch 37:20  
 incident 15:9 22:18  
   23:7 25:13 28:5,9,19  
   29:10 44:5 47:12,15  
   50:14 51:5,12,22  
   52:6 54:23 56:10  
   62:1 65:4 84:9 86:10  
   86:13,16,18 87:4  
   94:19 109:22 110:2  
 include 16:4  
 indicate 37:2  
 indicating 42:12 73:11  
   74:2 75:14 90:7,10  
   91:1,18 92:5,13 93:6  
   98:7,11 101:18 102:7  
 individual 39:22 41:5  
   104:3  
 injure 90:17 98:2  
 injured 62:2 80:19  
   87:20 90:4,14  
 injury 17:22 21:17  
   22:6 23:4 76:12 98:5  
   107:22  
 inside 46:23 47:1  
 inspect 36:15 53:6  
   79:16  
 inspection 41:22  
 instincts 73:3  
 insurance 108:10

intend 10:18  
 interested 114:18  
 Interstate 1:8 5:8 6:3,7  
   7:9,21 8:2  
 interview 85:18,21  
 intramural 18:4  
 issue 30:11 96:16  
 is's 97:20

**J**

James 100:14  
 jammed 98:6,9  
 Jason 57:8,19,20 60:3  
   61:21 66:3 68:9,11  
   68:13,16  
 Jason's 59:3  
 jeans 65:1  
 Jim 12:6 81:16  
 job 17:11,13,16 108:3  
 Johnson 6:4,4 8:1,1  
 Joseph 1:15,21 7:2 8:5  
   8:18  
 July 100:1,2,4  
 jumped 81:18  
 jumps 103:10  
 June 1:19 2:23 7:13  
   94:7,11,15 99:7  
   113:11

**K**

Kay 6:14 12:4  
 keep 18:23 19:6 26:14  
   26:17 82:13  
 Kenneth 12:3,8  
 kept 19:3 37:8 83:14  
   89:21  
 kin 114:17  
 kind 11:12 12:20 15:5  
   15:23 19:21 27:11  
   28:13,22 29:15 34:22  
   38:13 42:11 43:16  
   48:13,19 63:12 92:1  
   105:23 113:1  
 kinds 18:15 32:19  
 Kirby 5:15  
 kit 29:17 55:7  
 knew 76:9  
 knife 104:14  
 know 10:3 26:11,19  
   31:6,9 32:14 35:1  
   37:18 40:4,9 47:18  
   53:11 54:1,12 56:5  
   58:16 60:22 71:12  
   80:4,6 84:11 85:4,19



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 118

85:23 86:7,15 88:1  
 88:11 91:22 97:23  
 100:6,9 108:18,21  
 110:10 111:9  
**Knowles** 6:14 12:4,6,12  
 24:22 25:22 26:6  
**knows** 28:1

**L**

**L** 1:11  
**lady** 14:23  
**LaFayette** 1:18 5:21  
 7:1,12  
**land** 23:20,22 61:2  
**Lanett** 6:6 31:22  
**Lanier** 6:5 81:21 82:6  
 98:13 101:8  
**Large** 114:6,23  
**lately** 103:17  
**law** 1:17 5:20 6:23  
 85:17,20  
**lawn** 16:12,15,20 17:4  
**laws** 2:6  
**lawyers** 87:1  
**lay** 9:3  
**leading** 2:11  
**leave** 29:22 68:10  
**Ledbetter** 95:10,11  
**left** 50:9 68:11 73:13  
 74:3,9,18 75:21  
 76:15 78:2 81:2,4  
 104:17 105:1,21  
 106:4 112:17 113:1  
**left-handed** 23:1,3  
 105:13  
**length** 37:15,18  
**lenses** 29:6 63:18,19  
**let's** 12:23 14:1 70:23  
 72:14  
**Lexus** 94:23 96:11 97:5  
 97:22  
**liked** 37:14 39:7  
**limit** 97:11,13  
**limits** 86:6  
**little** 15:21 17:23 31:16  
 44:9,11 53:21 65:21  
 66:2 84:13 91:14  
 92:8 93:16 99:1  
 101:17,18,20,23  
 105:7 108:1  
**live** 12:7 31:3,5 60:17  
 60:18 86:2,5,6 111:6  
**lived** 12:12 86:3  
**lives** 56:20 107:16

**living** 107:23  
**load** 48:19 54:2,4,16  
 66:21  
**loaded** 26:14,22 27:2,9  
 45:5 46:23 54:19  
 67:17  
**location** 23:17  
**long** 93:8 100:14,15,16  
 102:15 107:18  
**longer** 37:22 44:9,11  
**look** 27:1 29:13 32:1  
 33:13 34:11,13 37:5  
 38:2 41:14 53:21  
 78:22 79:9 87:3  
**looked** 30:19 33:3,7,9  
 33:11 36:17 37:7  
 41:9,12,13 42:1  
 71:16 94:6  
**looking** 30:17 37:16  
 39:15 44:13 69:6  
 80:16 94:6  
**looks** 42:2 43:7 99:7  
 102:2  
**Lortab** 99:1  
**lose** 91:15  
**lost** 91:22  
**loud** 9:7  
**low** 103:8  
**lowered** 80:13

**M**

**M** 2:21 5:23  
**magazine** 47:16 54:5,8  
 54:13,20 66:21 67:2  
 67:23  
**Mahler** 1:16 2:21 5:12  
 6:17 114:4,22  
**main** 37:8  
**maintenance** 29:15  
**mama** 11:23 12:3 18:12  
 18:22,23 34:3 35:15  
 38:20,22 39:9,18  
 108:9  
**man** 32:9  
**manner** 114:18  
**manual** 42:21 43:1,4,7  
 43:14,21  
**manuals** 43:11  
**marathon** 9:18  
**market** 56:14 57:11,14  
**marks** 113:6  
**married** 12:14,17  
 18:13,22 19:7,10  
 109:8,11

**marry** 84:15  
**math** 12:22,23  
**matter** 7:8  
**ma'am** 15:1  
**McCoy** 6:5  
**mean** 15:1 53:19 72:15  
 96:5  
**means** 40:4,6 114:8  
**meant** 70:9 77:21  
**mechanism** 30:3  
**medical** 93:22 108:7  
**medication** 83:3  
 103:12,15  
**medications** 103:23  
**medicine** 98:22 103:19  
**Memorial** 81:21 82:7  
 98:13 101:8  
**met** 109:14  
**metal** 53:22 55:10,12  
 66:15 70:20 71:2,20  
**Michael** 95:10  
**miles** 31:4  
**mine** 21:22 30:16 31:1  
**misfire** 46:15 49:20  
 72:15  
**misfired** 62:7 66:16  
 67:11 69:4,7,12,19  
 70:11,22 72:12  
**Missouri** 24:13  
**Mitch** 97:2  
**Mitchell** 97:3  
**model** 58:16  
**mom** 12:15 16:21 21:12  
 21:13 22:3 29:8  
 30:19 35:13,23 39:15  
 41:9 42:14,14 44:19  
 49:1 55:7 85:22  
 104:9  
**mom's** 20:4 94:23  
**money** 42:15,16  
**month** 17:18 92:7  
 99:23  
**months** 22:11 44:8,11  
 102:18  
**mother** 25:14 40:13  
 45:21 53:8 95:3  
**motor** 16:15  
**mount** 42:7,9  
**mounted** 70:10 73:17  
**move** 91:11,13 101:16  
 101:17,20,22  
**moved** 53:1  
**mowers** 16:12,15,20  
 17:4

muscles 90:21

**N**

**N** 1:11 4:2  
**name** 8:17 14:21,22  
 24:16,18,21 32:8  
 36:23 54:10 56:22  
 57:7 97:2  
**nearby** 111:22  
**necessary** 2:9  
**need** 9:16,18 29:5  
 100:10,11  
**neither** 114:16  
**nerves** 90:20 91:22  
 92:4  
**never** 20:18 26:14,18  
 30:6,9,11 52:1,10  
 56:8 68:13,17 109:1  
**Nick** 5:19 7:11,19  
**night** 38:17 52:15  
**nine** 44:8,10  
**nineteen** 10:8 57:21  
**nod** 9:8  
**nods** 67:18  
**noise** 71:21 72:2,17  
**nonverbal** 9:9  
**noon** 60:13  
**Norinco** 27:13 30:10  
 32:2 58:7 65:10  
 86:10  
**normal** 46:10  
**North** 5:16 6:1,5  
**notice** 50:3  
**November** 44:14 50:18  
 64:13 71:21 82:18  
**number** 1:4 5:4 7:7,9  
 11:20 113:7

**O**

**O** 1:11  
**Object** 87:22 88:5,17  
 110:8  
**objections** 2:10,13  
**obtain** 108:14  
**occasion** 30:2  
**occur** 50:16  
**occurred** 23:4 38:16  
 60:20 73:7 110:2  
**occurring** 114:14  
**offered** 2:15  
**office** 7:11  
**offices** 1:16 6:22  
**Oh** 25:3 88:21 95:6  
 110:10

oil 55:11

**okay** 9:22 10:4 19:2  
 33:22 36:13,22 39:18  
 44:17 52:17 59:17  
 62:6,11 69:6 73:12  
 77:6,14 79:5 81:19  
 85:4,7 87:3 88:13  
 89:11 90:11 92:18  
 97:4 99:17 102:9  
 107:6 110:10  
**old** 12:16 13:5 16:23  
 18:8 21:14,16 24:7  
 24:23 31:12 42:18  
 57:20,23  
**older** 24:12,15 25:7  
 48:23 52:22 58:1,4  
**once** 33:14,22 55:4  
**Opelika** 11:9 24:11  
**open** 61:17,19  
**opens** 53:23  
**opposed** 37:22  
**oral** 2:22 7:3  
**order** 29:20  
**organized** 18:1  
**original** 2:22  
**outside** 15:19 53:12  
 62:12 63:2 81:5,17  
 92:21  
**overnight** 82:13,14  
 83:14  
**over-the-counter** 83:3  
**Owena** 6:14  
**owned** 108:18  
**owner** 32:15  
**owner's** 42:20,23 43:3  
 43:6,10,13,20  
**owns** 16:13  
**o'clock** 60:13

**P**

**P** 1:11  
**packing** 89:10  
**PAGE** 4:4  
**paid** 42:13 108:8  
**pain** 99:1 102:23,23  
 103:9,11,19  
**pair** 64:1  
**palm** 92:23  
**paper** 63:13 96:16  
**paperwork** 11:16  
**Pardon** 88:19 90:8  
 91:12 101:1 109:6  
**Park** 5:16  
**part** 75:4 91:22

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 119

participate 15:16  
 particular 37:13 45:14  
   52:18 69:17 100:12  
 parties 1:13 2:12  
   114:17  
 passenger 96:4  
 passenger's 96:2  
 Paul 7:23  
 pawn 6:12 30:17 31:20  
   31:21 32:6 33:12,19  
   34:7,10 38:8,19  
   39:10,13 40:3 56:13  
   56:14 71:16 108:20  
   108:21 109:1  
 pay 70:20  
 paying 72:4  
 people 85:17,20 108:1  
 people's 111:20  
 perfectly 9:17  
 period 89:19  
 person 21:9 53:12  
   104:2  
 Phenix 56:14  
 physical 93:18 94:1,2  
   94:10,16  
 physician 101:9  
 pick 87:6,7  
 picked 84:17,20 85:5  
   85:15 87:13  
 piece 45:15 53:21  
   55:20  
 pieces 55:21 85:15  
 pinky 91:6 101:16  
   106:15  
 pistols 18:20,21 19:9  
   19:15 20:14 22:21  
 Pittman 5:15  
 place 5:16 7:11 47:5  
 places 20:5  
 plaintiff 1:6 5:6,18,22  
   7:19 8:12  
 planning 107:18  
 plates 17:15  
 play 18:1,4  
 please 3:2 7:16 8:4,16  
   10:3  
 plugs 14:1 16:7 28:15  
   28:16,18  
 plywood 45:15  
 point 67:8 80:10 94:2  
 pointing 74:6,8 75:6  
 police 96:12,15  
 Pontiac 38:14  
 popped 72:4

popping 72:7  
 position 70:9  
 possession 52:6  
 possible 87:18  
 precise 83:2  
 prescription 83:8  
   103:18  
 presence 53:13 86:13  
 present 6:14 7:15,16  
 pretty 13:1 46:10 62:8  
   67:13 73:8  
 prior 2:15 25:13 51:21  
   52:5 54:22 82:17  
 probably 9:12 12:18  
   13:8 20:11 21:15  
   22:11 31:15 35:22  
   44:23 48:2 49:9  
   50:13,23 60:12 73:10  
   102:21 103:3  
 problems 50:3  
 procedure 2:19 6:21  
   55:16,16  
 proceeding 114:7  
 proceedings 7:4 114:14  
 produced 114:9  
 properly 36:6  
 property 45:8 49:15  
   61:12,13  
 prospects 107:22  
 protection 28:3,6,10,13  
   28:20,22 64:7,10  
 provided 6:20  
 public 111:16  
 pull 30:3 53:22 69:9,11  
   71:4 105:20  
 pulled 69:14 70:21  
   72:7,11,16 78:15  
   92:5  
 pump 34:17 35:3 37:16  
   74:17  
 pumping 36:20  
 pump-action 35:6  
 purchased 35:11 38:19  
   39:17 44:12,18  
 purchasing 39:2  
 pushed 76:17  
 put 29:9 32:23 45:6  
   47:1 55:18,20 79:23  
   85:12,16 89:12 92:12  
   98:18  
 P.E 12:23

---

**Q**

---

question 9:7,21,21 10:1

10:4 83:2 88:22  
 110:13  
 questions 2:11,12  
   30:20 32:19 35:19,23  
   39:16,17,19 40:12  
   110:18,19 113:5  
 quit 58:6

---

**R**

---

rabbit 20:20  
 rack 42:3 53:19 66:18  
 racking 46:13 50:1  
 Ralph 78:21 81:17,18  
   109:4  
 Ralph's 84:17  
 ran 55:12 81:10,16  
 Randolph 6:8 7:22  
 range 23:13,18 65:20  
 ranges 20:8  
 reach 73:1 105:19  
 reached 75:2,16 76:11  
 reaching 77:15  
 read 43:13,20  
 reading 2:2  
 ready 26:16,17 102:8  
 real 12:1 20:6 21:12,14  
   25:16 26:3 103:10  
 really 11:12 40:20  
   45:20 51:2 59:13,22  
   64:12 69:18 70:20  
   72:4 74:19 75:3,12  
   85:19 88:1,10 91:21  
   94:13 96:18 97:15  
   108:2  
 reason 88:12  
 rebuilt 16:8  
 recall 64:3 70:1  
 receipt 44:13  
 receive 42:20 74:12  
 received 79:11  
 receiver 30:4 76:19  
 Recess 111:2  
 recollection 51:3  
 recommend 83:22  
 reconstruct 99:10  
 reconstruction 99:8  
 Record 7:14 111:1,4  
   113:8  
 recorder 109:21  
 records 94:6 99:6  
 red 70:5,6,8  
 Reese 6:1  
 reference 92:9  
 reflex 75:16

reflexes 73:4 75:2  
 regard 30:10  
 regular 46:11 100:18  
 relating 2:6  
 relation 68:7 111:21  
   112:20  
 reload 56:5,8 67:14  
 reloads 56:3  
 rely 27:4  
 remakes 56:6  
 remember 14:22 17:17  
   18:10 32:7 36:22  
   40:14,15 41:3 45:19  
   49:1,14 50:14,20  
   57:22 59:22 62:9  
   64:20,21 67:13 74:10  
   75:4 76:5,8,10,22,23  
   77:13 80:15 107:3  
   108:5 110:1,5,6,14  
 remind 9:12  
 Remington 35:2 43:17  
   44:1 48:15 58:15  
 removal 92:7 99:16,22  
 reporter 3:3 6:18 8:4,8  
   9:10 109:22 114:5  
**REPORTER'S** 114:1  
 represent 7:17  
 represents 114:12  
 required 100:7  
 respective 1:13  
 rest 49:10 92:21  
 result 114:19  
 retained 3:3  
 ride 81:22  
 rifle 20:11 22:16 43:18  
   43:19  
 rifles 18:19 19:15  
   22:15  
 right 10:6,9,15,18 11:3  
   11:22 12:7,11,16  
   13:5,21 16:19 17:8  
   19:5 20:2,9 22:12  
   24:13,20 27:7,11,19  
   27:20 30:22 32:2  
   33:18 35:14,22 36:2  
   36:18 44:7,15 45:3,7  
   53:22 60:22 62:11  
   64:6,14 69:22 71:11  
   71:18 72:21 73:1,12  
   73:18,23 74:9,16,20  
   75:19 76:21 77:20  
   78:1,3 79:5 80:19,23  
   81:1,3 82:6,21 84:7  
   85:9 86:1 87:1,16,19

90:3,6,9,17 94:2,9  
 95:20 98:2 101:5  
 103:1,3,4 104:14  
 105:3 106:4,6 107:11  
 111:13 112:15 113:2  
 right-handed 22:23  
   23:3,5 73:15 105:12  
   105:15  
 ring 91:4 101:19  
 Riverchase 6:9  
 road 8:21 31:5 97:12  
   97:14,16,17 111:16  
   111:22,23  
 rod 55:10,12  
 Rogers 6:9  
 room 84:6 96:21  
 rotating 13:23  
 rounds 61:10 67:10,11  
 rule 2:18 9:5  
 rules 2:6,19 6:20 9:4  
   26:12  
 run 55:18,21  
 running 81:4  
 rural 61:15

---

**S**

---

S 1:11  
 Sadler 59:1,20 60:4,7  
   66:6,7  
 safe 32:22,22 47:1,2,4  
   85:12,16  
 safely 21:11  
 safety 26:12,13,17 27:5  
   27:8 29:1 35:20  
   63:20 69:13,17,21  
   70:2 79:21,23 80:5  
 Sara 1:15 2:20 5:12  
   6:17 114:4,22  
 saved 49:10  
 saw 71:4 86:22 92:9  
   94:18 99:6  
 saying 33:6 46:5 50:6  
   59:6 71:1 96:16  
   108:4  
 says 44:14  
 scale 103:2  
 scar 92:7 99:16,21  
 scene 19:23  
 school 10:13,15,17,20  
   11:4,11 12:20 14:13  
   14:17 15:8,14,17,19  
   18:5 58:5 107:7  
 schooling 11:1  
 science 12:22

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 120

Sean 31:1,2,2,12 33:23 34:6 36:11,16 38:2 seat 95:19 96:2,5 seats 95:23 second 1:17 5:20 6:23 40:18 41:6 49:13 67:6 86:17,21 91:3 Security 11:20 see 12:23 14:1 20:7 42:10 44:21 53:23 69:9 77:16,23 102:9 106:21 seeing 100:18 101:12 seen 39:6 43:6 69:11 81:6 86:18,19 87:5 104:2 seller 39:23 sent 83:23 sequence 33:18 set 45:16 sharp 103:9 shell 53:23 71:7,13 shells 26:15 45:11 46:3 48:7,9,13,16,17 49:4 50:7 51:9,11,15,17 53:16 54:12 56:16 57:9 58:18,21,22 59:5,7,9,11,14,15,18 63:15 66:22 67:2 shift 105:17 shirt 65:2 81:15 shoe 106:23 shoes 106:17,19,20 shoot 15:22 20:10 21:3 22:7 23:14,21 25:4 26:17,20 27:20 28:7 28:11 45:13 47:21 48:1 49:12,18 61:9 61:20 62:21,21 66:3 66:11 67:6,9 shooting 19:21 20:1,7 20:13 21:1,2,6 23:9 23:19 25:10,14 26:1 29:6 36:20 46:9,20 62:3 63:4,10 82:17 111:10,11,14,22,23 112:2,5,8 shop 30:17 31:19 38:9 38:19 39:10,13 40:3 56:14 71:16 shops 34:10 Shorthand 114:4 short-sleeved 65:2 shot 22:9,12,16,20 23:8	26:7 45:6,11,18 46:6 49:9,15 50:7,12,13 51:4 61:11 66:8,12 66:13,17 77:3 84:10 shotgun 20:12 22:5 30:11 34:14,17,20,22 35:6 54:2,23 58:8 60:11 69:17 86:10 shotguns 18:19 19:8,15 19:16 22:13 29:16 30:7 34:11,15 shoulder 42:10 70:11 73:18 shout 67:10 shoved 76:18 show 17:7 showing 43:7 siblings 24:7 side 53:21 73:13 91:19 sight 63:3 signature 2:2 sir 9:1,14,23 10:5,14 11:2 12:10,13 13:14 13:17,20 14:5,7,10 15:2,7,10,15,18 16:7 16:10,16,18 17:5,10 18:3,7,14 19:1,12 20:18,22 21:5,8 22:8 22:14,19,22 23:6,10 23:12 24:2,5 25:3,6,9 25:12,15,18,23 26:4 26:8,10,23 27:3,17 28:4,8,12,21 29:4,14 29:21 30:1,5,13 31:8 31:11 32:10 33:5,14 34:4,8,12,19 35:4,8 35:12,17 36:9,12,14 37:1,4,11 38:7,10,21 38:23 39:11 40:11,17 41:16,20 42:4,6,8,18 42:22 43:2,5,8,12,15 43:22 44:16 45:2,9 45:12 46:4,7,14,16 46:19 47:3,7,10,13 47:17,20,23 48:5,8 48:18 49:17,22 50:2 50:5,8,10,22 51:6,8 51:13,23 52:2,4,9,12 52:21 53:1,4,7,10,14 53:20 54:7,11,18,21 55:1,14 56:2,4,9,20 57:3,6,12,15,17 58:3 58:9 59:10,16 60:8 60:16,21 61:1,23	62:17 63:1,5,22 64:5 64:8,23 65:6,7,15,18 65:20 66:5,9,20,23 67:3,5,7,16,21 68:5 68:12,15,18,21,23 69:8,12,23 70:12,16 71:3,6,8,14,19,23 72:9 73:5,8,14,16,19 75:7,10 76:13,20,20 76:23 77:11,13,23 78:7,10,13,17 79:17 79:19,22 80:9,18,21 81:9,12 82:1,3,8,11 82:20,23 83:4,7,10 83:13,16,19 84:2,10 84:23 86:8,11,14,17 87:5,8 89:6,17,20,22 90:2,16,19,21 91:5,8 91:10,17,21 93:12,14 93:20 94:3,4,8,17,20 95:12,22 96:8,22 98:4,9,17,20 99:5,9 99:12,18 100:8,20 101:13 102:14 103:5 103:7,14,17 104:1,12 104:15,18 105:4,7,10 105:13,16,22 106:5,9 106:13,16,18,22 107:5,8,17 108:10,13 108:17,23 109:3,10 109:13,16,19,23 110:5,16 112:1,4,7 112:10 sisters 24:4 sitting 96:1 six 22:11 sixteen 13:8 21:18 25:1 size 27:19 skin 92:3,12 sleep 102:13 slid 87:16 slide 75:15 sliding 88:2,4 sloppy 104:20 Social 11:19 somebody 27:23 49:1 56:6 108:3 sorry 69:1 84:19 88:21 95:6 96:6 sort 18:5 103:23 sound 44:15 66:15 70:17,20 71:2,22 sounded 72:2,3 Southern 11:5,6,7,8	spark 14:1 16:6 speak 103:4 specific 23:18 specifically 52:17 speed 97:11,13 spending 52:15 splint 98:19 102:4,5,10 102:16,20 106:10 spoken 107:21 109:17 sporting 21:3 sports 18:2,5,6 spring 93:19 squirrel 20:21 standing 68:6 73:9,10 112:21 stapled 63:13 start 16:19 80:11 started 16:21 17:18 18:9 73:4 75:8,14 77:7 78:12 80:7 state 7:17 8:17 114:2,5 114:22 statement 109:21 stationary 21:7,8 stay 23:20 stayed 15:7,11 stenographic 114:8 stepdad 61:6 stepdaddy 12:5 16:11 18:13,22 19:7,11,23 stepdaddy's 35:6 stepdad's 34:21 stepfather 39:2 45:23 53:2,5 stepgrandfather 26:9 steps 55:23 85:13 87:15 stepsister 24:9 stepsister's 24:21 Stewart 56:23 57:4,8 59:21 60:3,5 66:3 109:4 stick 55:9 STIPULATED 1:12 2:1,8,17 stipulation 6:21 stipulations 8:9 stitched 83:20 stock 74:15,21 75:22 stop 17:12 97:19,20 store 32:15 35:10 stores 34:10,10 straight 74:9 82:15 84:5 street 31:6,9 60:23 86:4	86:7 strictly 20:23 21:2 strings 106:23 stuff 13:12 14:2 16:7 24:11 33:1 36:21 39:20 subject 43:3 Subsequently 14:8 Suite 5:16 6:1,6,10 summer 107:10 sunglasses 63:23 64:2 Sunny 64:18 supervision 114:11 supposed 55:11 sure 11:13 19:18 20:16 33:17 40:7,20 45:20 46:22 51:2,20 53:15 55:22 59:13 64:2,12 70:23 72:14 74:19 75:13 80:3 88:7,10 91:21 94:13,14 96:18 96:19 97:15 110:22 surgeries 89:14 92:1,8 98:16 99:13 100:7 103:20 surgery 93:15,17 94:7 94:10,16 99:7,19 100:10 102:8,20 surrounding 101:11 SUV 97:5,7,8,9 swear 8:4 swelled 98:10 sworn 8:6 S.E 1:17 5:20 7:1
<b>T</b>				
T 1:11,11 take 9:10,16,19 12:21 13:2 14:8 29:12 47:15 50:23 53:2,8 55:19 81:19 83:2,11 93:13 99:2 102:11,12 103:15,21 106:10 110:20 taken 1:15 2:23 82:21 108:8 111:2 114:7 talk 15:3 32:5 39:1,5 84:7 talked 39:3 talking 26:5 35:14 101:19 tape 109:21 target 20:1,10,13,23 21:2,7 23:8,19 26:20				

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 121

28:7 45:14 49:19 65:22 68:4 70:14 targets 21:8 63:11,12 63:13 taught 21:10 technical 13:3 15:13 tell 11:22 24:6 26:11 55:15 62:1 69:16,18 70:1,6 78:18 80:22 83:21 94:21 108:2 tells 70:3 temperature 64:19 ten 44:8,11 50:18 52:19 103:2 tendon 91:23 92:6 100:5 tendons 90:20 tenth 13:7 terms 102:23 test 37:3 41:19 53:3,9 testified 8:7 testimony 2:23 theirs 62:21 therapy 93:19 94:2,10 94:16 thereto 2:16 thing 9:20 35:22 62:9 67:13 76:9 98:19 things 57:10 think 11:17 14:19 17:17 19:17,18 20:15 22:1 24:13 30:18 35:2 37:20 39:3 45:19 48:15,23 50:22 51:19 54:10,14 58:12 58:20 59:12,23 61:3 61:14 64:1,23 66:12 66:13 67:9 70:8 74:20 75:1,12,13 77:17,18 80:2 85:22 91:17 93:15 94:14 96:18 97:2 98:23 99:15 100:23 third 6:1 91:3 thirteen 17:2 three 22:1 30:18 31:4 33:15,19 51:4,6,7 61:22 62:16 66:12,14 67:10,10 68:3 69:5 89:13,14 93:9 103:3 thumb 91:9,16 101:18 101:22 106:7,15 Thursday 7:13 51:1 tie 106:17	ties 106:20 time 2:14,14 9:18 12:8 13:20,22 17:1 21:19 22:9 23:5 31:13 33:7 34:6 35:12,15 36:10 36:16 38:6 40:18 41:6 42:19 45:18 46:6,9 47:11,14,22 49:13,21 50:11,14 51:21 52:5 54:22 57:5 60:6,9,20 67:6 72:7 75:20 76:11 77:3 79:10,11,14 86:3,18,21,22 87:4 89:2,16,21,22 102:10 111:1,4 113:9 114:15 times 20:15 22:17 33:20 45:6 46:6 49:9 51:4 55:2,19,22 66:10,13,14 68:2,3 69:3,5 timing 14:3 tires 13:12,23 tissue 92:7 99:16,22 today 86:21 103:4,13 Today's 7:12 Todd 2:21 5:23 7:20 toggle 69:21 70:3 told 14:13,17 38:20 39:6 40:16 69:2 77:5 78:20 79:7,11 87:10 88:11,14,22 Tom 109:14 top 76:1,3,7 total 33:19 51:4 touch 106:7,11,14 training 15:4,13 Trans 38:14 106:2 transcript 2:22 114:10 114:13 transmission 105:9 trash 40:8 treated 89:5 98:12 99:4 treatment 82:10 83:22 tree 63:14,15 111:15 112:9,11 trees 112:12,13 trial 2:14 tried 108:14 trigger 30:3 69:10,11 69:14 70:21 71:5 72:8,11,16 76:15 78:15 79:18 110:3 truck 24:11 81:18	97:19,20 true 114:13 trust 27:10 try 27:6,23 79:18 104:4 105:2 trying 23:2 99:10 104:20 tube 54:8 turn 53:20 74:1 turned 73:21,22 74:3 77:7,12 twelve 12:18 17:2 twelve-gauge 27:13 twenty 51:19 57:21 twenty-three 24:12 twice 55:4 twin 24:10,18 25:5 two 9:11 24:10 30:18 31:4,14 33:15,19,21 60:13 64:9 66:14 67:10 68:3 69:5 89:13 92:17 93:9 two-year 11:10 Tylenol 83:5 Tyler 26:6 type 47:19	105:23 VIDEOGRAPHER 7:6 8:3 110:23 111:3 113:6 videotape 7:7 113:7 videotaped 1:14,21 viewed 38:15 Visit 107:15 vocational 13:2 15:13 104:3 vs 1:7 5:7	Wetumpka 6:18 we're 7:14 26:5 71:1 102:7 111:3 113:5,8 What'd 49:3 83:21 when's 50:11 99:19 Where'd 48:9 white 32:12,13 wife 60:4 winter 93:19 witness 2:3 7:2 8:4 67:18 woods 61:18,19 112:18 Wooten 1:16 5:19,20 6:23 7:11,19 word 72:15 words 88:7 work 14:6,9 15:6,23 16:14,17 17:4 30:7 38:17 44:20 45:1 46:1 81:5 worked 13:11 15:21 17:19 32:16,18 working 13:15,18,22 16:4,20 17:8,18 24:10 100:13 107:3 works 16:12 104:4 wouldn't 20:20 77:13 80:2 wrap 81:15 write 104:19,22,23 105:2 wrong 16:2 81:6 96:17
		U 1:11 UAB 84:1,2,4 89:4,8 90:1 92:2 93:10 94:5 94:10 99:17 100:13 uh-huh 9:9 34:1 59:19 65:12 87:11 90:13 101:21 102:1 112:16 uncle 61:8 77:5 78:21 79:2,8,9,12 81:16 84:14,16 109:5,6 understand 10:2 Union 11:5,6,7,8 use 18:16 21:10,10 27:12,14,15 28:14,23 44:22 52:23 55:5,9 55:11 56:3 101:14 105:21 Usual 8:8	W 5:14 waived 2:3 walk 26:21 walking 77:4,7 78:5,12 80:7,12 85:13 87:15 wall 23:15,16 Wal-Mart 33:10 48:10 48:11,22 51:10 want 34:13 108:3 wanted 14:10 34:16 wash 106:3 wasn't 14:14 42:18 46:23 72:4 watching 15:10 17:6 61:7,8 Watson 31:1,2 way 73:23 74:2 ways 63:9 wear 28:3,6,10,20 29:2 29:5,8 102:5,9 wearing 63:17,23 64:4 64:22 102:2,15,19 106:20 weather 64:16 Wednesday 51:1 week 11:17 48:2 50:21 107:12,20 weeks 11:18 89:13,14 92:17 93:9 Wellington 86:4 went 20:7 30:17,19,23 33:7,22 34:5 36:10 38:17,22 39:9 40:18 41:6 44:20 45:10 46:23 49:2,8 56:15 56:17 57:14 60:14 61:9,20 62:12 63:2 71:15 75:13 82:9,14 82:15 84:1,16 93:10 93:16,17 94:5 weren't 40:8	X 4:2 X-rays 98:15
		V 7:8 Valley 8:21 10:17 24:1 48:12 86:4 various 29:11 vary 103:6 vehicle 38:11 96:9 97:1		Y 81:5 Yeah 77:20 110:11 year 15:8 17:19 31:18 44:3,3 93:12 94:19 97:16 99:8 years 22:4,4 31:14 58:1 58:3 young 18:11 26:3 younger 18:16 19:22 25:2,20 31:16,18 y'all 23:22 38:5,8 39:5 39:12 62:11 80:22 82:2 95:13 97:10
				0 04 94:7



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 122

<b>1</b>	<b>5</b>			
1/4/87 10:11	5 44:14			
10 1:17 5:20 6:23	5(d) 2:18			
10:24 7:15	503 86:4			
10:25 7:2				
10:28 7:14	<b>6</b>			
11:42 111:1	6s 19:20			
11:48 111:4	650 6:10			
11:50 113:9,10				
1100 5:16 6:2 58:17	<b>8</b>			
117 6:5	8 4:5 7:13 113:11			
12 18:17 19:17 27:16	8th 1:18 2:23			
32:4 34:23 48:17				
59:9,13,14,15,17	<b>9</b>			
62:14 65:9,11 66:4	911 82:2			
68:14,17,19				
12-gauge 19:16 37:16				
15 2:20 82:18				
15th 50:18 64:13 71:21				
1988 2:20				
<b>2</b>				
20 18:17 19:8,18 27:15				
58:12,14 59:11,12				
62:14 65:9,17				
2001 5:16				
2003 44:14				
2005-02 7:9				
2006 1:19 3:1 7:13				
113:11				
201 6:6				
2100 6:1				
22s 18:17				
270 22:4 43:12,16 44:1				
58:13 62:15 65:19				
29 31:23 48:12				
<b>3</b>				
30 19:19				
3000 6:9				
3013 8:21				
308s 19:19				
35203 5:17 6:2				
35244 6:11				
357s 18:18				
36862 1:18 5:21 7:1				
36863 6:6				
38s 18:18 19:19				
<b>4</b>				
410 22:3				
410s 18:17				
421-27-4971 11:21				
48320 1:23				



# **EXHIBIT B**

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 1

Page 3

IN THE CIRCUIT COURT OF  
 CHAMBERS COUNTY, ALABAMA

CASE NUMBER: CV-05-02

Brian Bonner, et al.,  
 Plaintiff,  
 vs.

Interstate Arms Corporation, et al.,  
 Defendants.

**S T I P U L A T I O N**

IT IS STIPULATED AND AGREED by and  
 between the parties through their respective  
 counsel, that the deposition of Owena Kay  
 Knowles may be taken before Sara Mahler,  
 CSR, at the offices of the Wooten Law Firm,  
 at 10 Second Avenue S.E., LaFayette, Alabama  
 36862, on the 8th day of June, 2006.

DEPOSITION OF OWENA KAY KNOWLES

48320

2006, along with the exhibits.

Please be advised that this is the  
 same and not retained by the Court Reporter,  
 nor filed with the Court.

\*\*\*\*\*

Page 2

Page 4

IT IS FURTHER STIPULATED AND  
 AGREED that the signature to and the reading  
 of the deposition by the witness is waived,  
 the deposition to have the same force and  
 effect as if full compliance had been had  
 with all laws and Rules of Court relating to  
 the taking of depositions.

IT IS FURTHER STIPULATED AND  
 AGREED that it shall not be necessary for  
 any objections to be made by counsel to any  
 questions except as to form or leading  
 questions, and that counsel for the parties  
 may make objections and assign grounds at  
 the time of the trial, or at the time said  
 deposition is offered in evidence, or prior  
 thereto.

IT IS FURTHER STIPULATED AND  
 AGREED that in accordance with Rule 5(d) of  
 The Alabama Rules of Civil Procedure, as  
 Amended, effective May 15, 1988, I, Sara  
 Mahler, am hereby delivering to Todd M.  
 Higey the original transcript of the oral  
 testimony taken on the 8th day of June,

\*\*\*\*\*

**I N D E X**  
**EXAMINATION**  
**PAGE**

By Mr. Higey ..... 7  
 DEFENDANT'S EXHIBITS  
 PAGE  
 Ex. 1 - A copy of the receipt for  
 purchase of shotgun ..... 9  
 \*\*\*\*\*

1 (Pages 1 to 4)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 5

1 IN THE CIRCUIT COURT OF  
2 CHAMBERS COUNTY, ALABAMA  
3  
4 CASE NUMBER: CV-05-02  
5 Brian Bonner, et al.,  
6 Plaintiff,  
7 vs.  
8 Interstate Arms Corporation, et al.,  
9 Defendants.  
10  
11 BEFORE:  
12 SARA MAHLER, Commissioner.  
13 APPEARANCES:  
14 DAVID W. HODGE, ESQUIRE, of  
15 Pittman, Hooks, Dutton, Kirby & Hellums,  
16 2001 Park Place North, Suite 1100,  
17 Birmingham, Alabama 35203, appearing on  
18 behalf of the Plaintiff.  
19 NICK WOOTEN, ESQUIRE, of the  
20 Wooten Law Firm, 10 Second Avenue S.E.,  
21 LaFayette, Alabama 36862, appearing on  
22 behalf of the Plaintiff.  
23 TODD M. HIGLEY, ESQUIRE, of Adams

Page 7

1 the following proceedings were had:  
2 OWENA KAY KNOWLES,  
3 being first duly sworn, was examined and  
4 testified as follows:  
5 COURT REPORTER: Usual  
6 stipulations?  
7 MR. HIGLEY: Yes.  
8 MR. HODGE: Yes.  
9 EXAMINATION  
10 BY MR. HIGLEY:  
11 Q. Could you state your name,  
12 please.  
13 A. Owena Kay Knowles.  
14 Q. Ms. Knowles, what's your  
15 address?  
16 A. 3013 Hopewell Road, Valley,  
17 Alabama.  
18 Q. And where do you work?  
19 A. Knauf.  
20 Q. How do you spell that?  
21 A. K-N-A-U-F.  
22 Q. What do you do at Knauf?  
23 A. I'm a mechanic.

Page 6

1 and Reese, 2100 Third Avenue North, Suite  
2 1100, Birmingham, Alabama 35203, appearing  
3 on behalf of the Defendant, Interstate Arms.  
4 CURT JOHNSON, ESQUIRE, of Johnson,  
5 Caldwell & McCoy, 117 North Lanier Avenue,  
6 Suite 201, Lanett, Alabama 36863, appearing  
7 on behalf of the Defendant, Interstate Arms.  
8 RANDOLPH GILLUM, ESQUIRE, of  
9 Rogers & Associates, 3000 Riverchase  
10 Galleria, Suite 650, Birmingham, Alabama  
11 35244, appearing on behalf of the Defendant,  
12 Pawn City.  
13 \* \* \* \* \*  
14 I, SARA MAHLER, CSR, a Court  
15 Reporter of Wetumpka, Alabama, acting as  
16 Commissioner, certify that on this date, as  
17 provided by the Alabama Rules of Civil  
18 Procedure and the foregoing stipulation of  
19 counsel, there came before me at the offices  
20 of the Wooten Law Firm, 10 Second Avenue  
21 S.E., LaFayette, Alabama 36862, beginning at  
22 2:00 p.m., Owena Kay Knowles, witness in the  
23 above cause, for oral examination, whereupon

Page 8

1 Q. What do you work on?  
2 A. Machinery.  
3 Q. What kind of machines?  
4 A. Tall, loose fill machines and  
5 hydraulics, fans, conveyers.  
6 Q. And do you own any firearms?  
7 A. Yes, I do.  
8 Q. Tell me what firearms you own.  
9 A. I have a Remington 1100 and a  
10 357 and a 32. I'm sorry, that's a 22.  
11 Q. The 22 is a rifle?  
12 A. No, a pistol.  
13 Q. A pistol. The 357 is a  
14 pistol?  
15 A. Uh-huh.  
16 Q. And the 1100 is a --  
17 A. Shotgun.  
18 Q. Shotgun. And you purchased a  
19 Norinco shotgun?  
20 A. Yes.  
21 Q. In November of 2003?  
22 A. Uh-huh.  
23 MR. HIGLEY: May I have an

2 (Pages 5 to 8)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 9

1 exhibit sticker, please.  
 2 (Defendant's Exhibit 1 was  
 3 marked for identification  
 4 purposes.)  
 5 **Q. Defendant's Exhibit 1 is a**  
 6 **copy of the receipt for the purchase of that**  
 7 **Norinco shotgun?**  
 8 A. Yes, it is.  
 9 **Q. Tell me how you came to**  
 10 **purchase it, please.**  
 11 A. Well, my son had been talking  
 12 about a 12 gauge. He wanted one. He wanted  
 13 a pump action. And he come home and said  
 14 he'd found one. I kind of tried to talk him  
 15 out of it, and he kept on. So I went and I  
 16 looked at it.  
 17 I asked the sales person if  
 18 the guns had been inspected, if they were in  
 19 good working condition because I really  
 20 didn't want him buying a firearm from the  
 21 pawn shop. And the man told me yes, they  
 22 had been thoroughly checked out before they  
 23 were sold.

Page 10

1 **Q. Who is the man?**  
 2 A. I do not remember his name.  
 3 It was a tall, white guy, dark hair.  
 4 **Q. About how old did he look?**  
 5 A. I'd say between twenty-five  
 6 and thirty.  
 7 **Q. And did he describe what kind**  
 8 **of inspection they did?**  
 9 A. No, he didn't.  
 10 **Q. Did you make any inquiry about**  
 11 **the type of inspection?**  
 12 A. No.  
 13 **Q. Why did you try to talk your**  
 14 **son out of the shotgun?**  
 15 A. It wasn't necessarily a  
 16 shotgun. It's just, like I said, a used  
 17 item I don't like. And I knew the gun had  
 18 been used. And I really didn't want him  
 19 getting it from a pawn shop.  
 20 **Q. Do you know who the prior**  
 21 **owner was before the pawn shop?**  
 22 A. No, I don't.  
 23 **Q. Did you ever make an inquiry**

Page 11

1 **as to who the prior owner was?**  
 2 A. No, I didn't.  
 3 **Q. Did your son ever use a pump**  
 4 **shotgun prior to purchasing this pump**  
 5 **shotgun?**  
 6 A. I don't know.  
 7 **Q. Do you have any in the house?**  
 8 A. I think my husband has one,  
 9 but I really don't like pumps.  
 10 **Q. This is Mr. Jim Knowles?**  
 11 A. Yes.  
 12 **Q. How long has Brian been using**  
 13 **firearms?**  
 14 A. Firearms? When they were four  
 15 years old I wanted to take them and let them  
 16 see what a gun would do. And so starting at  
 17 the age of four I let them fire guns, let  
 18 them see, you know, what kind of damage they  
 19 could do because I didn't want them playing  
 20 with guns.  
 21 **Q. Who is they?**  
 22 A. The boys.  
 23 **Q. Would that be all three of the**

Page 12

1 **boys?**  
 2 A. Yes.  
 3 **Q. And that's Cody, Brian and who**  
 4 **else?**  
 5 A. Eric.  
 6 **Q. Eric is the oldest?**  
 7 A. Uh-huh.  
 8 **Q. And where did you take them to**  
 9 **show them?**  
 10 A. We took them out to Lake  
 11 Martin. I had some friends who had a camp  
 12 there, Robert Dean and his brother. I don't  
 13 remember his name. He had a camp there and  
 14 we let them shoot at the logs in the water.  
 15 **Q. What kind of guns were they**  
 16 **shooting?**  
 17 A. They shot a few pistols, small  
 18 ones, 38s, 22s. They were too young to hold  
 19 bigger gun. But I just wanted them to see  
 20 what kind of damage they could do.  
 21 **Q. That was at age four?**  
 22 A. That was Brian and Cody. They  
 23 were four and Eric was eight.

3 (Pages 9 to 12)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 13

Page 15

1 **Q. From that time on, describe**  
 2 **for me the use that Brian had with guns.**

3 **A. Well, up until he was -- I**  
 4 **never bought a gun -- That's the first --**  
 5 **No. I take that back. I think we bought**  
 6 **him the 270 the previous year.**

7 **But I would take them out at**  
 8 **least once a year and just let them shoot**  
 9 **targets to keep them familiar, you know,**  
 10 **show them the safeties, and don't point the**  
 11 **gun at anybody. Don't ever pull the trigger**  
 12 **of an unloaded gun because most of the time**  
 13 **they're loaded. Never keep them loaded in**  
 14 **the house. Never point the gun at anybody**  
 15 **or anything except for targets.**

16 **Q. Did it ever reach a point**  
 17 **where Brian was able to shoot when he wanted**  
 18 **to shoot?**

19 **A. Yes. I'd say maybe when he**  
 20 **was fifteen, I would let him shoot at our**  
 21 **house, you know, shoot targets in the woods.**

22 **Q. Did he ever do any hunting?**

23 **A. No.**

Page 14

Page 16

1 **Q. Did he ever shoot sporting**  
 2 **clays?**

3 **A. No.**

4 **Q. Would Cody also be able to go**  
 5 **out and shoot when he was fifteen?**

6 **A. The boys, yes.**

7 **Q. And when they're shooting, are**  
 8 **they shooting in your presence or are they**  
 9 **out on their own?**

10 **A. They were in sight.**

11 **Q. Meaning?**

12 **A. I could see them.**

13 **Q. And where would you have been?**

14 **A. In the house.**

15 **Q. Did you have Brian wear eye**  
 16 **and ear protection?**

17 **A. Yes.**

18 **Q. Did he always wear his eye and**  
 19 **ear protection?**

20 **A. No.**

21 **Q. Now, at about age fifteen,**  
 22 **when he was able to go outside with his**  
 23 **brother and shoot, what guns was he shooting**

1 **with?**

2 **A. A 410. I'd let him shoot my**  
 3 **357 every now and then, and the 20 gauge,**  
 4 **the Remington 1100, 20 gauge.**

5 **Q. Are any of these guns your**  
 6 **husband's?**

7 **A. Not those.**

8 **Q. Did they shoot any of your**  
 9 **husband's guns?**

10 **A. Only when he would give them**  
 11 **permission to. But most of the time -- They**  
 12 **love shooting the 1100.**

13 **Q. Did your husband have**  
 14 **shotguns?**

15 **A. Yes.**

16 **Q. What shotguns does he have?**  
 17 **And I'm talking at age fifteen and sixteen**  
 18 **for Brian.**

19 **A. I'm thinking he had a 20**  
 20 **gauge, a 410 and he might have had a 22**  
 21 **rifle.**

22 **Q. Did you ever observe Brian put**  
 23 **his hand on the end of a barrel of a loaded**

1 **gun?**

2 **A. No.**

3 **Q. Did you ever observe Brian**  
 4 **look down the barrel of the gun?**

5 **A. No.**

6 **Q. Did you ever observe Brian,**  
 7 **whether the gun was loaded or unloaded,**  
 8 **point the gun at an individual?**

9 **A. No.**

10 **Q. Did you ever have to**  
 11 **discipline him for using the gun in a manner**  
 12 **that was not appropriate?**

13 **A. No.**

14 **Q. Did you ever observe any**  
 15 **activity on Brian's part where he was using**  
 16 **the gun unsafely?**

17 **A. No.**

18 **Q. Although you did see him go**  
 19 **out and not use eye and ear protection?**

20 **A. Yes.**

21 **Q. Was there anything else that**  
 22 **he may have done that was unsafe in the**  
 23 **handling of the gun?**

4 (Pages 13 to 16)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 17

1 MR. HODGE: Object to the  
 2 form.  
 3 A. No.  
 4 Q. Did this gun, when you went to  
 5 purchase it at Pawn City, did you inspect it  
 6 yourself?  
 7 A. All I really did is kind of  
 8 looked over it. You know I held it. I did  
 9 put it to my shoulder. But I didn't dry  
 10 shoot it and I didn't -- I just looked over  
 11 it.  
 12 Q. At the pawn shop, did you test  
 13 fire it?  
 14 A. No. I just pulled the  
 15 trigger, but that was it.  
 16 Q. Did you disassemble the gun  
 17 and view it?  
 18 A. No.  
 19 Q. And did it come with an  
 20 owner's manual?  
 21 A. No. I asked was there any  
 22 paperwork with it, and I was told no.  
 23 Q. And did you make any specific

Page 18

1 request for an owner's manual?  
 2 A. No, I didn't.  
 3 Q. Did you make any effort  
 4 afterwards to locate an owner's manual?  
 5 A. No.  
 6 Q. Where was the gun stored at  
 7 your house?  
 8 A. It was kept in Brian's gun  
 9 safe.  
 10 Q. When you returned home with  
 11 the gun, at any point have you fired the  
 12 gun?  
 13 A. No.  
 14 Q. Either before the incident or  
 15 after the incident?  
 16 A. No.  
 17 Q. Tell me how you learned of the  
 18 incident.  
 19 A. Well, I was at home when Jim  
 20 called me and just told me to come pick him  
 21 up. I could hear panic in his voice. He  
 22 wouldn't tell me nothing. He just told me  
 23 to come pick him up. And when I got to my

Page 19

1 sister's house --  
 2 Q. This is Bonnie?  
 3 A. Bobby.  
 4 Q. Bobby. Excuse me.  
 5 A. When I got there, Jim come out  
 6 said that Brian had been shot in the hand.  
 7 Q. And that's the first you  
 8 learned of him being shot in the hand?  
 9 A. Yes.  
 10 Q. Where had you been coming  
 11 from?  
 12 A. 3013 Hopewell Road.  
 13 Q. Your house?  
 14 A. Yes.  
 15 Q. Did you know that Brian had  
 16 taken his Norinco shotgun?  
 17 A. Yes, I did.  
 18 Q. Did he ask permission or was  
 19 he -- did he just generally have permission  
 20 to take his gun?  
 21 A. No, he asked for permission.  
 22 Q. And you gave it?  
 23 A. Yes. He said that he and my

Page 20

1 nephew and his girlfriend were going  
 2 shooting. They were going to be at my  
 3 sister's house, just target shooting.  
 4 Q. And who is your nephew?  
 5 A. Jason Stewart.  
 6 Q. And his girlfriend was?  
 7 A. Felicia Sadler.  
 8 Q. And was there anyone else with  
 9 them?  
 10 A. Not that I recall.  
 11 Q. Was B. J. Sadler with them?  
 12 A. I don't think he was with them  
 13 at the house.  
 14 Q. At your house?  
 15 A. Yes.  
 16 Q. Did Brian have ammunition when  
 17 he left your house?  
 18 A. Yes.  
 19 Q. What did he have?  
 20 A. I think that he had ammunition  
 21 for his 270 and for the 12 gauge.  
 22 Q. Do you know where he got the  
 23 12 gauge ammunition?

5 (Pages 17 to 20)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 21

1 A. Wal-Mart.  
2 Q. Were you with him when he  
3 purchased it?  
4 A. Yes.  
5 Q. What did he purchase or how  
6 much did he purchase?  
7 A. He just got one box, the  
8 Remington 12 gauge. It was birdshot.  
9 Q. When your husband informed you  
10 of the incident, what did you two do at that  
11 point?  
12 A. Straight to the hospital.  
13 Q. And which hospital are we  
14 talking about?  
15 A. Lanier Memorial.  
16 Q. And once you were at the  
17 hospital, did you, while he was at Lanier  
18 Memorial, talk with Brian about what  
19 happened?  
20 A. Yes. He just said that he  
21 didn't know the gun went off. He said that  
22 the barrel, something about the barrel, and  
23 that when he grabbed it the gun went off.

Page 22

1 Q. And this is while you were at  
2 Lanier Memorial?  
3 A. Uh-huh.  
4 Q. Where was he when you were  
5 talking to him about this?  
6 A. He was in the hospital.  
7 Q. Okay.  
8 A. He was in the emergency room.  
9 Q. It was in the emergency room?  
10 A. Yes.  
11 Q. Was he actually being attended  
12 by the physicians while he was talking to  
13 you?  
14 A. Actually, there was no one in  
15 there at the time. It was just me and him.  
16 Q. Was this in the waiting room?  
17 A. No. This was in the  
18 emergency -- Well, in one of the rooms they  
19 have there. They had his hand bandaged up.  
20 And, of course, they had not given him  
21 anything for pain at that time.  
22 Q. Why hadn't they given him  
23 anything for pain?

Page 23

1 A. That, I can't answer.  
2 Q. They had already initially  
3 treated his hand by the time you got there?  
4 A. They had wrapped it and they  
5 were waiting for the surgeon to come in.  
6 Q. And while you were waiting for  
7 the surgeon to come, you had asked him what  
8 had happened?  
9 A. Yes.  
10 Q. And he said something about  
11 the barrel?  
12 A. Yes.  
13 Q. Are you able to be any more  
14 precise about what he said?  
15 A. He said: The gun jammed. And  
16 B. J. handed him the gun and the barrel  
17 slipped. Now, I don't know if it slipped  
18 off or just slipped out of his hand or what  
19 was going on, but he said the barrel just  
20 slipped and he grabbed it.  
21 Q. Now, you were here during your  
22 son's deposition; right?  
23 A. Uh-huh. Yes.

Page 24

1 Q. And do you have a specific  
2 recollection of him telling you while you  
3 were in the hospital with him there at  
4 Lanier Memorial, that B. J. handed the gun  
5 to him?  
6 A. Uh-huh.  
7 Q. That would be yes for her?  
8 A. Yes.  
9 Q. And you have a specific  
10 recollection that he told you about the  
11 barrel slipping?  
12 A. Yes.  
13 Q. But you are not able to be any  
14 more precise about the nature of the  
15 slippage?  
16 A. No.  
17 Q. You're not able to say whether  
18 the barrel became disengaged from the  
19 receiver, are you?  
20 MR. HODGE: Object to the  
21 form.  
22 A. No.  
23 Q. All you can say is that he

6 (Pages 21 to 24)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 25

1 said: It slipped; right?  
2 A. Yes.  
3 Q. Did he tell you anything else  
4 at Lanier Memorial about the incident?  
5 A. Not that I recall.  
6 Q. Did you ask him why his hand  
7 was on the end of the barrel?  
8 A. Yes, I did.  
9 Q. And what did he say?  
10 A. He said: I don't know.  
11 Q. Did you ask him if he knew why  
12 it jammed?  
13 A. No, I didn't.  
14 Q. Did you ask him if he pulled  
15 the trigger?  
16 A. No, I didn't.  
17 Q. Did he say whether he pulled  
18 the trigger?  
19 A. No.  
20 Q. He didn't say one way or the  
21 other?  
22 A. No.  
23 Q. Did a law enforcement person

Page 26

1 come to Lanier Memorial hospital and  
2 interview him?  
3 A. No.  
4 Q. At any time, did a law  
5 enforcement officer, whether County or the  
6 State or some other level, interview Brian?  
7 A. No.  
8 Q. Do you know if this was ever  
9 reported to the police?  
10 A. As far as I know, it wasn't.  
11 Q. When you arrived at the  
12 hospital, who else was there besides Brian?  
13 A. My husband -- Well, my husband  
14 went with me, Bobbie and Ralph Stewart. I  
15 think Jason and Felicia were there. And I  
16 don't recall if B. J. came to the hospital  
17 or not.  
18 Q. Was B. J. at the house when  
19 you arrived at Bobbie's house?  
20 A. No.  
21 Q. Did you talk to anyone between  
22 leaving Bobbie's house and arriving at the  
23 hospital?

Page 27

1 A. No. Just Jim.  
2 Q. Have you seen the shotgun  
3 since this day?  
4 A. That's the first time I've  
5 seen it.  
6 Q. So, you've not seen it since  
7 the incident, until today?  
8 A. Uh-huh.  
9 Q. That would be correct?  
10 A. Yes.  
11 Q. Tell me about the course of  
12 treatment. How did the doctors treat him at  
13 Lanier Memorial and since then?  
14 A. Okay. After they patched his  
15 hand -- well, bandaged it up, the surgeon  
16 came in and took him into surgery. They  
17 cleaned it up and he immediately come out  
18 said that --  
19 Q. Let me interrupt.  
20 A. Okay.  
21 Q. Was he under general  
22 anesthesia for that surgery?  
23 A. Yes.

Page 28

1 Q. So, they knocked him out for  
2 that?  
3 A. Yes.  
4 Q. Okay. Go ahead.  
5 A. And he came out and said he  
6 had cleaned it up but there was nothing that  
7 he could do, that we needed to get him to  
8 Birmingham.  
9 Q. And what did y'all do next?  
10 A. That morning we left for  
11 Birmingham and got him to the emergency  
12 room.  
13 Q. This would be on the 16th you  
14 went to Birmingham?  
15 A. Yes. We went to the emergency  
16 room there. They took us on back. And the  
17 doctors, when they came in, once they looked  
18 it over, they took him to surgery and they  
19 repacked it and cleaned it.  
20 And that night they come in  
21 and told me that they thought that they  
22 should go ahead amputate the hand, that he  
23 would never have any use out of it. And

7 (Pages 25 to 28)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 29

Page 31

1 that's when we told them that we wanted to  
2 maybe try another doctor.  
3 And then it was a few hours  
4 later Dr. Burton's son had come in and said  
5 that he had talked to a microsurgeon and  
6 they wanted to see if they could find at  
7 least one nerve. So the next day they went  
8 back in and they found one nerve to reattach  
9 and --

10 **Q. Is this the nerve that he was**  
11 **talking about that was up toward his elbow?**

12 A. This was somewhere in his  
13 hand.

14 **Q. They found a nerve down near**  
15 **his hand?**

16 A. Yes.

17 **Q. Was he talking about a tendon**  
18 **that was up near his elbow?**

19 A. Yes. They found a tendon they  
20 were able to reattach, also.

21 **Q. On the trip from -- Well,**  
22 **actually, let's back up. At Lanier**  
23 **Memorial, when you first found your son,**

1 **Q. So, was it Dr. Sundin who --**  
2 **What additional surgery was performed after**  
3 **Dr. Sundin came into the picture?**

4 A. Okay. Dr. Sundin, he's the  
5 one that's at Birmingham that was at the  
6 emergency room who cleaned his hand and they  
7 took him back into surgery to see if they  
8 could find a nerve. I think it was a  
9 Dr. Ficks that done that.

10 And then Dr. Sundin, I  
11 couldn't tell you what all he done, but he  
12 worked along with Dr. Long, who is his  
13 physician now.

14 **Q. I saw reference to something**  
15 **called an external fixator. Do you have any**  
16 **idea what that is?**

17 A. Yes. That's when they had the  
18 rods holding everything together in his  
19 hand. You can see the scars where they  
20 were. I think they started up here  
21 (indicating).

22 **Q. And when you say up here,**  
23 **you're talking about halfway up the forearm?**

Page 30

Page 32

1 **describe for me his state.**

2 A. He was in a lot of pain and he  
3 was real scared.

4 **Q. And after the surgery, how was**  
5 **he?**

6 A. He was -- He stayed knocked  
7 out. They had him on some strong pain  
8 medication.

9 **Q. And what about the drive up to**  
10 **Birmingham?**

11 A. He slept all the way.

12 **Q. And then you arrived at UAB**  
13 **and he went into surgery again there?**

14 A. Yes.

15 **Q. And they had him under general**  
16 **anesthesia for that?**

17 A. Yes.

18 **Q. And once they finished with**  
19 **that surgery, did they wake him up?**

20 A. Yes.

21 **Q. And how was he at that point?**

22 A. He was groggy, complaining of  
23 pain.

1 A. Yes. He had a rod here  
2 (indicating), and I think one here  
3 (indicating).

4 **Q. Two on the forearm?**

5 A. Yeah. I think that's right.  
6 You would have to look at his arm to see the  
7 scars. But I think there was two and it  
8 come up and had it crossways.

9 **Q. And what was the purpose of**  
10 **the fixator?**

11 A. To keep the wrist from  
12 falling. All that was blowed out.

13 **Q. Did you see -- Before they**  
14 **repaired it, did you see his palm?**

15 A. Yes.

16 **Q. And what did it look like?**

17 A. It was a small hole here  
18 (indicating), and then everything was blowed  
19 out back here (indicating).

20 **Q. When you say small hole,**  
21 **you're talking about the palm?**

22 A. Yes.

23 **Q. And the back side was a much**

8 (Pages 29 to 32)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 33

Page 35

1 bigger blown-out area?  
 2 A. Yes.  
 3 Q. And could you see all the way  
 4 through?  
 5 A. Yes.  
 6 Q. After that, Brian talked about  
 7 this groin flap. Tell me about what they  
 8 did there.  
 9 A. Uh-huh. Okay. After they  
 10 done the -- they found the nerve, they let  
 11 it heal up, I'd say, a couple of days. And  
 12 then to do the skin graft to cover the hole  
 13 up on the back side of his hand, they  
 14 attached him to his groin area like that  
 15 (indicating). He was like that for about  
 16 two weeks.  
 17 Q. When I was talking to him, I  
 18 got the impression it was kind of the hip or  
 19 the buttock. It was more in the groin?  
 20 A. It was more in the groin. It  
 21 was between the hip and groin.  
 22 Q. All right. Is that while the  
 23 fixator was on?

1 and eating, of course, and just generally  
 2 walking. He couldn't get comfortable  
 3 sleeping. He had to kind of sleep on his  
 4 side. Most of the time he slept in a  
 5 recliner. And, of course, he couldn't bathe  
 6 himself or go to the bathroom by himself.  
 7 Q. Was he on pain medication?  
 8 A. He had prescriptions for it,  
 9 but Brian wouldn't take them. He said they  
 10 made him sick. So he would take Tylenol or  
 11 Advil.  
 12 Q. Was this prescription-strength  
 13 or was this over-the-counter?  
 14 A. This was -- What, the Tylenol?  
 15 Q. Yes, ma'am.  
 16 A. It was over-the-counter.  
 17 Q. Now, I assume that Brian was  
 18 in school at this time of year?  
 19 A. Yes.  
 20 Q. What grade would that have  
 21 been?  
 22 A. He was in the eleventh.  
 23 Q. Eleventh grade?

Page 34

Page 36

1 A. No.  
 2 Q. So, they removed the fixator?  
 3 A. Let me see if I can remember  
 4 all of this. I think the fixator was after  
 5 the flap.  
 6 Q. And then he stayed in the  
 7 hospital there at UAB for awhile; right?  
 8 A. Yes.  
 9 Q. And they discharged him in the  
 10 middle of December?  
 11 A. Yes.  
 12 Q. Had they done any surgeries at  
 13 that time, after the groin flap surgery?  
 14 A. I don't think so.  
 15 Q. They sent him home with the  
 16 hand being sewn to the groin?  
 17 A. Yes.  
 18 Q. How long was he like that?  
 19 A. Two weeks.  
 20 Q. Describe for me what it was  
 21 like for him.  
 22 A. For me and him both it was  
 23 miserable because he had a hard time sitting

1 A. Tenth. I'll get it straight.  
 2 Q. Did he go back to school at  
 3 all that year?  
 4 A. Yes.  
 5 Q. When did he go back to school?  
 6 A. He started back in January or  
 7 February.  
 8 Q. Did he have to repeat a year?  
 9 A. No.  
 10 Q. Now, how did he make up his  
 11 lost time?  
 12 A. The school would send home the  
 13 homework.  
 14 Q. Did he have to do any summer  
 15 schooling to make up?  
 16 A. No.  
 17 Q. How were his grades before  
 18 this incident?  
 19 A. Pretty good. I'd say, As, Bs  
 20 and Cs.  
 21 Q. Did he have a particular  
 22 strength?  
 23 A. Math.

9 (Pages 33 to 36)



LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 37

Page 39

1 Q. And after this incident and up  
2 to his graduation, how would you  
3 characterize his grades?

4 A. Well, during the eleventh  
5 grade, the end of the tenth grade and the  
6 eleventh grade, his grades failed. And  
7 then, of course, he got them brought up. We  
8 would have to stay on him to keep him  
9 focused.

10 Q. His senior year, he was able  
11 to bring them up?

12 A. Yes.

13 Q. I understand he's going to  
14 college now.

15 A. He'll start in the fall.

16 Q. Has he already been accepted?

17 A. Yes.

18 Q. And do you know if he's going  
19 for a two- or four-year program?

20 A. Well, he wants to start the  
21 two-year program at Southern Union and then  
22 transfer to Auburn.

23 Q. To finish out a four-year

1 having him do?

2 A. Well, he would have to, like,  
3 a bucket of rice with beans in it. He would  
4 have to try to pick the beans out of it.  
5 And, of course, putting the pegs in the  
6 boards. Trying to strength train his hand.  
7 Trying to get him to be able to squeeze.

8 Q. Was it a painful process, the  
9 physical therapy?

10 A. Yes.

11 Q. Describe what it was like for  
12 him.

13 A. Well, it was pretty tough  
14 because, you know, he could move his pinky  
15 and his thumb a little bit and just trying  
16 to move them, plus, these two fingers have  
17 no feel.

18 Q. Which two are you talking  
19 about?

20 A. His index and his middle  
21 finger, he has no feelings in those. So,  
22 you know, the other fingers, I guess,  
23 working the muscles in them, I guess, it

Page 38

Page 40

1 degree?

2 A. Yes.

3 Q. And he's looking to do  
4 something in business-related degree?

5 A. Business and accounting.

6 Q. The spring of '04, did he have  
7 physical therapy?

8 A. Yes.

9 Q. And where would that physical  
10 therapy be at?

11 A. He's had it at HPRC in  
12 Columbus. He only went there for a couple  
13 of months. We didn't really care for them.  
14 So we went back to his regular therapist,  
15 which is in Opelika.

16 Q. Is that at East Alabama  
17 Medical Center?

18 A. Yes.

19 Q. And describe for me how he did  
20 with physical therapy.

21 A. He done good with the physical  
22 therapy.

23 Q. What kinds of things were they

1 would be painful, especially down through  
2 here (indicating).

3 Q. Now, when you say down through  
4 here, what are you talking about?

5 A. Just where --

6 Q. Down the wrist?

7 A. Yes. Down the wrist, the  
8 forearm.

9 Q. By June of '04, he had  
10 additional surgeries I saw.

11 A. Yes.

12 Q. Did he have any complications?  
13 I saw that they were freeing the tendons  
14 from adhesion. Was he having any  
15 complications, that you understood?

16 A. No.

17 Q. What was the purpose of these  
18 surgeries in June of '04? Could you tell me  
19 what they were.

20 A. He's had thirteen.

21 Q. So, he's had thirteen  
22 surgeries?

23 A. Yes.

10 (Pages 37 to 40)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 41

Page 43

1 **Q. And that includes from when he**  
 2 **first went to UAB to the present?**

3 A. Yes.

4 **Q. When was his most recent**  
 5 **surgery?**

6 A. Just a couple of months ago.

7 **Q. At UAB?**

8 A. Yes.

9 **Q. Who was the surgeon for that?**

10 A. Dr. Long.

11 **Q. Okay. Yeah. The medical**  
 12 **records will show what they show about which**  
 13 **surgery was when.**

14 A. Uh-huh.

15 **Q. Just give me the broad brush**  
 16 **stroke. Tell me what these surgeries are he**  
 17 **has gone through.**

18 A. Okay. Of course, they found  
 19 the nerve the first surgery. Then he had  
 20 the flap. Then he had the rods in his arm.

21 He's had the bone graft. He's had scar

22 tissue removed. I think they scraped some

23 bone one time, it was growing outward.

Page 42

Page 44

1 There's been so many. I know that he's got  
 2 to have a tendon surgery next.

3 **Q. What are the doctors saying**  
 4 **about long term?**

5 A. Well, according to Dr. Long,  
 6 he's never really been this far. He said  
 7 Brian's really trying.

8 **Q. Who is he?**

9 A. Dr. Long.

10 **Q. The doctor, himself, has never**  
 11 **been this far?**

12 A. The way he talked, he had  
 13 never had a patient to actually want to go  
 14 this far. He thinks -- He's hoping Brian  
 15 gets at least seventy percent use of his  
 16 hand back.

17 **Q. What's the current use of his**  
 18 **hand?**

19 A. I would say forty percent.

20 **Q. Has the doctor given you an**  
 21 **idea of how long it will be before he hits**  
 22 **the maximum medical improvement?**

23 A. No.

1 **Q. You don't know if he's talking**  
 2 **months or years?**

3 A. He's not making any promises  
 4 whatsoever.

5 **Q. Now, Brian was in an auto**  
 6 **accident in the fall of '04?**

7 A. Yes.

8 **Q. What do you know about that?**

9 A. They were hit head on. Brian  
 10 was sitting behind the driver, which was my  
 11 son, Cody. And as far as I know, the only  
 12 damage it done to any of them, I think one  
 13 of them banged their knees. I think that  
 14 was Michael Ledbetter. And Cody wasn't  
 15 hurt. And Brian just bruised his knuckle.

16 **Q. On which hand?**

17 A. Right.

18 **Q. Now, Brian was right-handed;**  
 19 **right?**

20 A. Yes.

21 **Q. Have y'all required any home**  
 22 **medical care?**

23 A. Yes.

1 **Q. What kind of home medical**  
 2 **care?**

3 A. That's when we first brought  
 4 him home, after the first visit to  
 5 Birmingham. They sent someone in to try to  
 6 teach him the easy ways to get up and down  
 7 out of a chair, out of bed. But I think  
 8 they only came -- I think they came once or  
 9 twice a week for about three weeks. But  
 10 they told us, you know, that was just  
 11 wasting company money because they really  
 12 couldn't do anything with him. They could  
 13 just show him some easier ways to get up and  
 14 down.

15 **Q. Who sent this home medical**  
 16 **personnel out?**

17 A. If I'm not mistaken it was  
 18 through the insurance company.

19 **Q. And do y'all have a family**  
 20 **doctor in town?**

21 A. Yes.

22 **Q. Who is that?**

23 A. Dr. Eric Hemberg?

11 (Pages 41 to 44)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 45

1 Q. Hemberg, H-E-M-B-E-R-G?  
 2 A. Yes.  
 3 Q. Have y'all required any sort  
 4 of medical equipment or other equipment to  
 5 accommodate Brian's condition?  
 6 A. Yes, I think he's had a cane.  
 7 And he had a little contraption to help pull  
 8 himself out of bed.  
 9 Q. This would be a contraption in  
 10 his bedroom?  
 11 A. Yes.  
 12 Q. Does he still use that?  
 13 A. No.  
 14 Q. He's able to get out without  
 15 it?  
 16 A. Yes.  
 17 Q. Have you had to make any  
 18 changes or modifications to the house to  
 19 accommodate Brian, other than this  
 20 contraption you told me about?  
 21 A. No.  
 22 Q. What is Brian able to do  
 23 nowadays in terms of daily activities?

Page 46

1 A. Well, I do get him to push the  
 2 vacuum and load the dishwasher and wash  
 3 clothes.  
 4 Q. Is he able to feed himself?  
 5 A. Yes.  
 6 Q. Does he cut his own food?  
 7 A. No.  
 8 Q. Is he able to write?  
 9 A. Not with his right hand.  
 10 Q. And he's trying to write with  
 11 his left hand?  
 12 A. Yes.  
 13 Q. And he does drive a car?  
 14 A. Yes.  
 15 Q. And does he drive on his own?  
 16 A. Yes.  
 17 Q. What is he doing during the  
 18 summer on a day-to-day basis?  
 19 A. He's been helping Jim with  
 20 inventory at the shop, just counting. He's  
 21 pretty good on a laptop with one hand.  
 22 Q. Do y'all have a computer at  
 23 home he uses?

Page 47

1 A. Yes.  
 2 Q. Now, y'all have medical  
 3 insurance?  
 4 A. Yes.  
 5 Q. And that's covered a portion  
 6 of your medical bills?  
 7 A. Yes.  
 8 Q. Have you had medical bills not  
 9 covered by health insurance?  
 10 A. No.  
 11 Q. Have you had out-of-pocket  
 12 expenses not -- you know, that have not been  
 13 covered by anybody else that you've had to  
 14 pay yourself?  
 15 A. Yes.  
 16 Q. Have you calculated all of  
 17 that yet?  
 18 A. No.  
 19 Q. It sounds like -- I heard from  
 20 your husband y'all have some paperwork  
 21 showing some of your out-of-pocket expenses  
 22 A. Yes.  
 23 Q. And you've got all of that at

Page 48

1 your house?  
 2 A. Yes.  
 3 Q. If you would -- If you and  
 4 your husband could forward those to your  
 5 lawyers so we can have an idea of what  
 6 expenses you're going to be claiming.  
 7 A. Okay.  
 8 Q. And, you know, if y'all, in  
 9 consultation with your lawyers, could sit  
 10 down and figure out what that amount is,  
 11 that would be something I'd ask y'all to do.  
 12 Okay?  
 13 A. Okay.  
 14 Q. Who is your health insurer?  
 15 A. It's Anthem Blue Cross Blue  
 16 Shield.  
 17 Q. Okay. And that's through your  
 18 employer?  
 19 A. Yes.  
 20 Q. And have you had any secondary  
 21 health insurance that would have covered any  
 22 of your expenses?  
 23 A. No.

12 (Pages 45 to 48)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 49

1 Q. Did you have any copays that  
 2 you had to make throughout this process?

3 A. Yes.

4 Q. And would these copays you  
 5 would make to the hospital?

6 A. The doctors, the therapist,  
 7 the pharmacist.

8 Q. Did health insurance cover any  
 9 portion of physical therapy?

10 A. A portion, yes.

11 Q. Is he still undergoing  
 12 physical therapy?

13 A. Yes.

14 Q. How often does he go right  
 15 now?

16 A. Twice a week.

17 Q. And are you still going to  
 18 East Alabama Medical Center for that?

19 A. Yes.

20 Q. What is the name of the group?

21 A. It's Rehab Works.

22 Q. Is he seeing any physician in  
 23 Chambers County or a surrounding area with

Page 51

1 A. Yes.

2 MR. HIGLEY: Off the Record.  
 3 (Off-the-Record discussion  
 4 was held.)

5 MR. HIGLEY: We're done.  
 6 (The deposition was concluded at 2:40 p.m.,  
 7 June 8, 2006.)

Page 50

1 respect to his hand?

2 A. No.

3 Q. Is he seeing any physician,  
 4 specialist or general physician on a regular  
 5 basis for any condition?

6 A. No.

7 Q. Is he currently taking any  
 8 prescription medications?

9 A. No.

10 Q. Does he take any  
 11 over-the-counter medications?

12 A. Yes.

13 Q. What does he take?

14 A. Tylenol.

15 Q. For the purpose of pain  
 16 relief?

17 A. Yes.

18 Q. And was Brian drinking on the  
 19 day -- drinking alcohol on the day of this  
 20 shooting?

21 A. No.

22 Q. Did you pay for the gun in  
 23 cash?

Page 52

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 ELMORE COUNTY,

4 I, Sara Mahler, Certified Shorthand  
 5 Reporter and Commissioner for the State of  
 6 Alabama at Large, do hereby certify that the  
 7 above and foregoing proceeding was taken  
 8 down by me by stenographic means, and that  
 9 the content herein was produced in  
 10 transcript form by computer aid under my  
 11 supervision, and that the foregoing  
 12 represents, to the best of my ability, a  
 13 true and correct transcript of the  
 14 proceedings occurring on said date and at  
 15 said time.

16 I further certify that I am neither  
 17 of kin nor of counsel to the parties to the  
 18 action; nor in any manner interested in the  
 19 result of said case.

22 \_\_\_\_\_  
 Sara Mahler, CSR,  
 for the State of  
 Alabama at Large.

13 (Pages 49 to 52)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 53

<p align="center"><b>A</b></p> <p>ability 52:12  able 13:17 14:4,22  23:13 24:13,17 29:20  37:10 39:7 45:14,22  46:4,8  accepted 37:16  accident 43:6  accommodate 45:5,19  accounting 38:5  acting 6:15  action 9:13 52:18  activities 45:23  activity 16:15  Adams 5:23  additional 31:2 40:10  address 7:15  adhesion 40:14  Advil 35:11  advised 3:2  age 11:17 12:21 14:21  15:17  ago 41:6  <b>AGREED</b> 1:12 2:2,9  2:18  ahead 28:4,22  aid 52:10  al 1:5,8 5:5,8  Alabama 1:2,17 2:19  5:2,17,21 6:2,6,10,15  6:17,21 7:17 38:16  49:18 52:2,6,23  alcohol 50:19  Amended 2:20  ammunition 20:16,20  20:23  amount 48:10  amputate 28:22  anesthesia 27:22 30:16  answer 23:1  Anthem 48:15  anybody 13:11,14  47:13  <b>APPEARANCES</b> 5:13  appearing 5:17,21 6:2  6:6,11  appropriate 16:12  area 33:1,14 49:23  arm 32:6 41:20  Arms 1:8 5:8 6:3,7  arrived 26:11,19 30:12  arriving 26:22  asked 9:17 17:21 19:21  23:7</p>	<p>assign 2:13  Associates 6:9  assume 35:17  attached 33:14  attended 22:11  Auburn 37:22  auto 43:5  Avenue 1:17 5:20 6:1,5  6:20  awhile 34:7</p> <p align="center"><b>B</b></p> <p>B 20:11 23:16 24:4  26:16,18  back 13:5 28:16 29:8  29:22 31:7 32:19,23  33:13 36:2,5,6 38:14  42:16  bandaged 22:19 27:15  banged 43:13  barrel 15:23 16:4  21:22,22 23:11,16,19  24:11,18 25:7  basis 46:18 50:5  bathe 35:5  bathroom 35:6  beans 39:3,4  bed 44:7 45:8  bedroom 45:10  beginning 6:21  behalf 5:18,22 6:3,7,11  best 52:12  bigger 12:19 33:1  bills 47:6,8  birdshot 21:8  Birmingham 5:17 6:2  6:10 28:8,11,14  30:10 31:5 44:5  bit 39:15  blowed 32:12,18  blown-out 33:1  Blue 48:15,15  boards 39:6  Bobbie 26:14  Bobbie's 26:19,22  Bobby 19:3,4  bone 41:21,23  Bonner 1:5 5:5  Bonnie 19:2  bought 13:4,5  box 21:7  boys 11:22 12:1 14:6  Brian 1:5 5:5 11:12  12:3,22 13:2,17</p>	<p>14:15 15:18,22 16:3  16:6 19:6,15 20:16  21:18 26:6,12 33:6  35:9,17 42:14 43:5,9  43:15,18 45:19,22  50:18  Brian's 16:15 18:8 42:7  45:5  bring 37:11  broad 41:15  brother 12:12 14:23  brought 37:7 44:3  bruised 43:15  brush 41:15  Bs 36:19  bucket 39:3  Burton's 29:4  Business 38:5  business-related 38:4  buttock 33:19  buying 9:20</p> <p align="center"><b>C</b></p> <p>calculated 47:16  Caldwell 6:5  called 18:20 31:15  camp 12:11,13  cane 45:6  car 46:13  care 38:13 43:22 44:2  case 1:4 5:4 52:19  cash 50:23  cause 6:23  Center 38:17 49:18  <b>CERTIFICATE</b> 52:1  Certified 52:4  certify 6:16 52:6,16  chair 44:7  Chambers 1:2 5:2  49:23  changes 45:18  characterize 37:3  checked 9:22  <b>CIRCUIT</b> 1:1 5:1  City 6:12 17:5  Civil 2:19 6:17  claiming 48:6  clays 14:2  cleaned 27:17 28:6,19  31:6  clothes 46:3  Cody 12:3,22 14:4  43:11,14  college 37:14</p>	<p>Columbus 38:12  come 9:13 17:19 18:20  18:23 19:5 23:5,7  26:1 27:17 28:20  29:4 32:8  comfortable 35:2  coming 19:10  Commissioner 5:12  6:16 52:5  company 44:11,18  complaining 30:22  compliance 2:5  complications 40:12,15  computer 46:22 52:10  concluded 51:6  condition 9:19 45:5  50:5  consultation 48:9  content 52:9  contraption 45:7,9,20  conveyers 8:5  copays 49:1,4  copy 4:8 9:6  Corporation 1:8 5:8  correct 27:9 52:13  counsel 1:14 2:10,12  6:19 52:17  counting 46:20  County 1:2 5:2 26:5  49:23 52:3  couple 33:11 38:12  41:6  course 22:20 27:11  35:1,5 37:7 39:5  41:18  Court 1:1 2:6 3:3,4 5:1  6:14 7:5  cover 33:12 49:8  covered 47:5,9,13  48:21  Cross 48:15  crossways 32:8  Cs 36:20  CSR 1:16 6:14 52:22  current 42:17  currently 50:7  CURT 6:4  cut 46:6  CV-05-02 1:4 5:4</p> <p align="center"><b>D</b></p> <p>D 4:2  daily 45:23  damage 11:18 12:20</p>	<p>43:12  dark 10:3  date 6:16 52:14  <b>DAVID</b> 5:14  day 1:18 2:23 27:3 29:7  50:19,19  days 33:11  day-to-day 46:18  Dean 12:12  December 34:10  Defendant 6:3,7,11  Defendants 1:9 5:9  Defendant's 4:6 9:2,5  degree 38:1,4  delivering 2:21  deposition 1:14,20 2:3  2:4,15 23:22 51:6  depositions 2:7  describe 10:7 13:1 30:1  34:20 38:19 39:11  disassemble 17:16  discharged 34:9  discipline 16:11  discussion 51:3  disengaged 24:18  dishwasher 46:2  doctor 29:2 42:10,20  44:20  doctors 27:12 28:17  42:3 49:6  doing 46:17  Dr 29:4 31:1,3,4,9,10  31:12 41:10 42:5,9  44:23  drinking 50:18,19  drive 30:9 46:13,15  driver 43:10  dry 17:9  duly 7:3  Dutton 5:15</p> <p align="center"><b>E</b></p> <p>E 4:2  ear 14:16,19 16:19  easier 44:13  East 38:16 49:18  easy 44:6  eating 35:1  effect 2:5  effective 2:20  effort 18:3  eight 12:23  Either 18:14  elbow 29:11,18</p>
---	--	---	--	--



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 54

eleventh 35:22,23 37:4  
 37:6  
**ELMORE** 52:3  
**emergency** 22:8,9,18  
 28:11,15 31:6  
**employer** 48:18  
**enforcement** 25:23  
 26:5  
**equipment** 45:4,4  
**Eric** 12:5,6,23 44:23  
**especially** 40:1  
**ESQUIRE** 5:14,19,23  
 6:4,8  
**et** 1:5,8 5:5,8  
**evidence** 2:15  
**Ex** 4:8  
**examination** 4:3 6:23  
 7:9  
**examined** 7:3  
**Excuse** 19:4  
**exhibit** 9:1,2,5  
**exhibits** 3:1 4:6  
**expenses** 47:12,21 48:6  
 48:22  
**external** 31:15  
**eye** 14:15,18 16:19

**F**

**failed** 37:6  
**fall** 37:15 43:6  
**falling** 32:12  
**familiar** 13:9  
**family** 44:19  
**fans** 8:5  
**far** 26:10 42:6,11,14  
 43:11  
**February** 36:7  
**feed** 46:4  
**feel** 39:17  
**feelings** 39:21  
**Felicia** 20:7 26:15  
**Ficks** 31:9  
**fifteen** 13:20 14:5,21  
 15:17  
**figure** 48:10  
**filed** 3:4  
**fill** 8:4  
**find** 29:6 31:8  
**finger** 39:21  
**fingers** 39:16,22  
**finish** 37:23  
**finished** 30:18  
**fire** 11:17 17:13  
**firearm** 9:20

**firearms** 8:6,8 11:13,14  
**fired** 18:11  
**Firm** 1:16 5:20 6:20  
**first** 7:3 13:4 19:7 27:4  
 29:23 41:2,19 44:3,4  
**fixator** 31:15 32:10  
 33:23 34:2,4  
**flap** 33:7 34:5,13 41:20  
**focused** 37:9  
**following** 7:1  
**follows** 7:4  
**food** 46:6  
**force** 2:4  
**forearm** 31:23 32:4  
 40:8  
**foregoing** 6:18 52:7,11  
**form** 2:11 17:2 24:21  
 52:10  
**forty** 42:19  
**forward** 48:4  
**found** 9:14 29:8,14,19  
 29:23 33:10 41:18  
**four** 11:14,17 12:21,23  
**four-year** 37:19,23  
**freeing** 40:13  
**friends** 12:11  
**full** 2:5  
**further** 2:1,8,17 52:16

**G**

**Galleria** 6:10  
**gauge** 9:12 15:3,4,20  
 20:21,23 21:8  
**general** 27:21 30:15  
 50:4  
**generally** 19:19 35:1  
**getting** 10:19  
**GILLUM** 6:8  
**girlfriend** 20:1,6  
**give** 15:10 41:15  
**given** 22:20,22 42:20  
**go** 14:4,22 16:18 28:4  
 28:22 35:6 36:2,5  
 42:13 49:14  
**going** 20:1,2 23:19  
 37:13,18 48:6 49:17  
**good** 9:19 36:19 38:21  
 46:21  
**grabbed** 21:23 23:20  
**grade** 35:20,23 37:5,5  
 37:6  
**grades** 36:17 37:3,6  
**graduation** 37:2  
**graft** 33:12 41:21

**groggy** 30:22  
**groin** 33:7,14,19,20,21  
 34:13,16  
**grounds** 2:13  
**group** 49:20  
**growing** 41:23  
**guess** 39:22,23  
**gun** 10:17 11:16 12:19  
 13:4,11,12,14 16:1,4  
 16:7,8,11,16,23 17:4  
 17:16 18:6,8,11,12  
 19:20 21:21,23 23:15  
 23:16 24:4 50:22  
**guns** 9:18 11:17,20  
 12:15 13:2 14:23  
 15:5,9  
**guy** 10:3

**H**

**hair** 10:3  
**halfway** 31:23  
**hand** 15:23 19:6,8  
 22:19 23:3,18 25:6  
 27:15 28:22 29:13,15  
 31:6,19 33:13 34:16  
 39:6 42:16,18 43:16  
 46:9,11,21 50:1  
**handed** 23:16 24:4  
**handling** 16:23  
**happened** 21:19 23:8  
**hard** 34:23  
**head** 43:9  
**heal** 33:11  
**health** 47:9 48:14,21  
 49:8  
**hear** 18:21  
**heard** 47:19  
**held** 17:8 51:4  
**Hellums** 5:15  
**help** 45:7  
**helping** 46:19  
**Hemberg** 44:23 45:1  
**He'll** 37:15  
**Higey** 2:22 4:5 5:23 7:7  
 7:10 8:23 51:2,5  
**hip** 33:18,21  
**hit** 43:9  
**hits** 42:21  
**HODGE** 5:14 7:8 17:1  
 24:20  
**hold** 12:18  
**holding** 31:18  
**hole** 32:17,20 33:12  
**home** 9:13 18:10,19

34:15 36:12 43:21  
 44:1,4,15 46:23  
**homework** 36:13  
**Hooks** 5:15  
**Hopewell** 7:16 19:12  
**hoping** 42:14  
**hospital** 21:12,13,17  
 22:6 24:3 26:1,12,16  
 26:23 34:7 49:5  
**hours** 29:3  
**house** 11:7 13:14,21  
 14:14 18:7 19:1,13  
 20:3,13,14,17 26:18  
 26:19,22 45:18 48:1  
**HPRC** 38:11  
**hunting** 13:22  
**hurt** 43:15  
**husband** 11:8 15:13  
 21:9 26:13,13 47:20  
 48:4  
**husband's** 15:6,9  
**hydraulics** 8:5  
**H-E-M-B-E-R-G** 45:1

**I**

**idea** 31:16 42:21 48:5  
**identification** 9:3  
**immediately** 27:17  
**impression** 33:18  
**improvement** 42:22  
**incident** 18:14,15,18  
 21:10 25:4 27:7  
 36:18 37:1  
**includes** 41:1  
**index** 39:20  
**indicating** 31:21 32:2,3  
 32:18,19 33:15 40:2  
**individual** 16:8  
**informed** 21:9  
**initially** 23:2  
**inquiry** 10:10,23  
**inspect** 17:5  
**inspected** 9:18  
**inspection** 10:8,11  
**insurance** 44:18 47:3,9  
 48:21 49:8  
**insurer** 48:14  
**interested** 52:18  
**interrupt** 27:19  
**Interstate** 1:8 5:8 6:3,7  
**interview** 26:2,6  
**inventory** 46:20  
**item** 10:17

**J**

**J** 20:11 23:16 24:4  
 26:16,18  
**jammed** 23:15 25:12  
**January** 36:6  
**Jason** 20:5 26:15  
**Jim** 11:10 18:19 19:5  
 27:1 46:19  
**Johnson** 6:4,4  
**June** 1:18 2:23 40:9,18  
 51:7

**K**

**Kay** 1:14,20 6:22 7:2  
 7:13  
**keep** 13:9,13 32:11  
 37:8  
**kept** 9:15 18:8  
**kin** 52:17  
**kind** 8:3 9:14 10:7  
 11:18 12:15,20 17:7  
 33:18 35:3 44:1  
**kinds** 38:23  
**Kirby** 5:15  
**Knauf** 7:19,22  
**knees** 43:13  
**knew** 10:17 25:11  
**knocked** 28:1 30:6  
**know** 10:20 11:6,18  
 13:9,21 17:8 19:15  
 20:22 21:21 23:17  
 25:10 26:8,10 37:18  
 39:14,22 42:1 43:1,8  
 43:11 44:10 47:12  
 48:8  
**Knowles** 1:15,20 6:22  
 7:2,13,14 11:10  
**knuckle** 43:15  
**K-N-A-U-F** 7:21

**L**

**L** 1:11  
**LaFayette** 1:17 5:21  
 6:21  
**Lake** 12:10  
**Lanett** 6:6  
**Lanier** 6:5 21:15,17  
 22:2 24:4 25:4 26:1  
 27:13 29:22  
**laptop** 46:21  
**Large** 52:6,23  
**law** 1:16 5:20 6:20  
 25:23 26:4  
**laws** 2:6

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 55

lawyers 48:5,9  
 leading 2:11  
 learned 18:17 19:8  
 leaving 26:22  
 Ledbetter 43:14  
 left 20:17 28:10 46:11  
 let's 29:22  
 level 26:6  
 little 39:15 45:7  
 load 46:2  
 loaded 13:13,13 15:23  
 16:7  
 locate 18:4  
 logs 12:14  
 long 11:12 31:12 34:18  
 41:10 42:4,5,9,21  
 look 10:4 16:4 32:6,16  
 looked 9:16 17:8,10  
 28:17  
 looking 38:3  
 loose 8:4  
 lost 36:11  
 lot 30:2  
 love 15:12

**M**

M 2:21 5:23  
 Machinery 8:2  
 machines 8:3,4  
 Mahler 1:15 2:21 5:12  
 6:14 52:4,22  
 making 43:3  
 man 9:21 10:1  
 manner 16:11 52:18  
 manual 17:20 18:1,4  
 marked 9:3  
 Martin 12:11  
 Math 36:23  
 maximum 42:22  
 ma'am 35:15  
 McCoy 6:5  
 Meaning 14:11  
 means 52:8  
 mechanic 7:23  
 medical 38:17 41:11  
 42:22 43:22 44:1,15  
 45:4 47:2,6,8 49:18  
 medication 30:8 35:7  
 medications 50:8,11  
 Memorial 21:15,18  
 22:2 24:4 25:4 26:1  
 27:13 29:23  
 Michael 43:14  
 microsurgeon 29:5

middle 34:10 39:20  
 miserable 34:23  
 mistaken 44:17  
 modifications 45:18  
 money 44:11  
 months 38:13 41:6 43:2  
 morning 28:10  
 move 39:14,16  
 muscles 39:23

**N**

N 1:11 4:2  
 name 7:11 10:2 12:13  
 49:20  
 nature 24:14  
 near 29:14,18  
 necessarily 10:15  
 necessary 2:9  
 needed 28:7  
 neither 52:16  
 nephew 20:1,4  
 nerve 29:7,8,10,14 31:8  
 33:10 41:19  
 never 13:4,13,14 28:23  
 42:6,10,13  
 NICK 5:19  
 night 28:20  
 Norinco 8:19 9:7 19:16  
 North 5:16 6:1,5  
 November 8:21  
 nowadays 45:23  
 NUMBER 1:4 5:4

**O**

O 1:11  
 Object 17:1 24:20  
 objections 2:10,13  
 observe 15:22 16:3,6  
 16:14  
 occurring 52:14  
 offered 2:15  
 officer 26:5  
 offices 1:16 6:19  
 Off-the-Record 51:3  
 Okay 22:7 27:14,20  
 28:4 31:4 33:9 41:11  
 41:18 48:7,12,13,17  
 old 10:4 11:15  
 oldest 12:6  
 once 13:8 21:16 28:17  
 30:18 44:8  
 ones 12:18  
 Opelika 38:15  
 oral 2:22 6:23

original 2:22  
 outside 14:22  
 outward 41:23  
 out-of-pocket 47:11,21  
 over-the-counter 35:13  
 35:16 50:11  
 Owena 1:14,20 6:22  
 7:2,13  
 owner 10:21 11:1  
 owner's 17:20 18:1,4

**P**

P 1:11  
 PAGE 4:4,7  
 pain 22:21,23 30:2,7,23  
 35:7 50:15  
 painful 39:8 40:1  
 palm 32:14,21  
 panic 18:21  
 paperwork 17:22  
 47:20  
 Park 5:16  
 part 16:15  
 particular 36:21  
 parties 1:13 2:12 52:17  
 patched 27:14  
 patient 42:13  
 pawn 6:12 9:21 10:19  
 10:21 17:5,12  
 pay 47:14 50:22  
 pegs 39:5  
 percent 42:15,19  
 performed 31:2  
 permission 15:11 19:18  
 19:19,21  
 person 9:17 25:23  
 personnel 44:16  
 pharmacist 49:7  
 physical 38:7,9,20,21  
 39:9 49:9,12  
 physician 31:13 49:22  
 50:3,4  
 physicians 22:12  
 pick 18:20,23 39:4  
 picture 31:3  
 pinky 39:14  
 pistol 8:12,13,14  
 pistols 12:17  
 Pittman 5:15  
 Place 5:16  
 Plaintiff 1:6 5:6,18,22  
 playing 11:19  
 please 3:2 7:12 9:1,10  
 plus 39:16

point 13:10,14,16 16:8  
 18:11 21:11 30:21  
 police 26:9  
 portion 47:5 49:9,10  
 precise 23:14 24:14  
 prescription 50:8  
 prescriptions 35:8  
 prescription-strength  
 35:12  
 presence 14:8  
 present 41:2  
 pretty 36:19 39:13  
 46:21  
 previous 13:6  
 prior 2:15 10:20 11:1,4  
 Procedure 2:19 6:18  
 proceeding 52:7  
 proceedings 7:1 52:14  
 process 39:8 49:2  
 produced 52:9  
 program 37:19,21  
 promises 43:3  
 protection 14:16,19  
 16:19  
 provided 6:17  
 pull 13:11 45:7  
 pulled 17:14 25:14,17  
 pump 9:13 11:3,4  
 pumps 11:9  
 purchase 4:9 9:6,10  
 17:5 21:5,6  
 purchased 8:18 21:3  
 purchasing 11:4  
 purpose 32:9 40:17  
 50:15  
 purposes 9:4  
 push 46:1  
 put 15:22 17:9  
 putting 39:5  
 p.m 6:22 51:6

**Q**

questions 2:11,12

**R**

Ralph 26:14  
 RANDOLPH 6:8  
 reach 13:16  
 reading 2:2  
 real 30:3  
 really 9:19 10:18 11:9  
 17:7 38:13 42:6,7  
 44:11  
 reattach 29:8,20

recall 20:10 25:5 26:16  
 receipt 4:8 9:6  
 receiver 24:19  
 recliner 35:5  
 recollection 24:2,10  
 Record 51:2  
 records 41:12  
 Reese 6:1  
 reference 31:14  
 regular 38:14 50:4  
 Rehab 49:21  
 relating 2:6  
 relief 50:16  
 remember 10:2 12:13  
 34:3  
 Remington 8:9 15:4  
 21:8  
 removed 34:2 41:22  
 repacked 28:19  
 repaired 32:14  
 repeat 36:8  
 reported 26:9  
 Reporter 3:3 6:15 7:5  
 52:5  
 REPORTER'S 52:1  
 represents 52:12  
 request 18:1  
 required 43:21 45:3  
 respect 50:1  
 respective 1:13  
 result 52:19  
 retained 3:3  
 returned 18:10  
 rice 39:3  
 rifle 8:11 15:21  
 right 23:22 25:1 32:5  
 33:22 34:7 43:17,19  
 46:9 49:14  
 right-handed 43:18  
 Riverchase 6:9  
 Road 7:16 19:12  
 Robert 12:12  
 rod 32:1  
 rods 31:18 41:20  
 Rogers 6:9  
 room 22:8,9,16 28:12  
 28:16 31:6  
 rooms 22:18  
 Rule 2:18  
 Rules 2:6,19 6:17

**S**

S 1:11  
 Sadler 20:7,11

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 56

safe 18:9  
 safeties 13:10  
 sales 9:17  
 Sara 1:15 2:20 5:12  
     6:14 52:4,22  
 saw 31:14 40:10,13  
 saying 42:3  
 scar 41:21  
 scared 30:3  
 scars 31:19 32:7  
 school 35:18 36:2,5,12  
 schooling 36:15  
 scraped 41:22  
 Second 1:17 5:20 6:20  
 secondary 48:20  
 see 11:16,18 12:19  
     14:12 16:18 29:6  
     31:7,19 32:6,13,14  
     33:3 34:3  
 seeing 49:22 50:3  
 seen 27:2,5,6  
 send 36:12  
 senior 37:10  
 sent 34:15 44:5,15  
 seventy 42:15  
 sewn 34:16  
 Shield 48:16  
 shoot 12:14 13:8,17,18  
     13:20,21 14:1,5,23  
     15:2,8 17:10  
 shooting 12:16 14:7,8  
     14:23 15:12 20:2,3  
     50:20  
 shop 9:21 10:19,21  
     17:12 46:20  
 Shorthand 52:4  
 shot 12:17 19:6,8  
 shotgun 4:9 8:17,18,19  
     9:7 10:14,16 11:4,5  
     19:16 27:2  
 shotguns 15:14,16  
 shoulder 17:9  
 show 12:9 13:10 41:12  
     41:12 44:13  
 showing 47:21  
 sick 35:10  
 side 32:23 33:13 35:4  
 sight 14:10  
 signature 2:2  
 sister's 19:1 20:3  
 sit 48:9  
 sitting 34:23 43:10  
 sixteen 15:17  
 skin 33:12

sleep 35:3  
 sleeping 35:3  
 slept 30:11 35:4  
 slippage 24:15  
 slipped 23:17,17,18,20  
     25:1  
 slipping 24:11  
 small 12:17 32:17,20  
 sold 9:23  
 son 9:11 10:14 11:3  
     29:4,23 43:11  
 son's 23:22  
 sorry 8:10  
 sort 45:3  
 sounds 47:19  
 Southern 37:21  
 specialist 50:4  
 specific 17:23 24:1,9  
 spell 7:20  
 sporting 14:1  
 spring 38:6  
 squeeze 39:7  
 start 37:15,20  
 started 31:20 36:6  
 starting 11:16  
 state 7:11 26:6 30:1  
     52:2,5,22  
 stay 37:8  
 stayed 30:6 34:6  
 stenographic 52:8  
 Stewart 20:5 26:14  
 sticker 9:1  
 STIPULATED 1:12  
     2:1,8,17  
 stipulation 6:18  
 stipulations 7:6  
 stored 18:6  
 straight 21:12 36:1  
 strength 36:22 39:6  
 stroke 41:16  
 strong 30:7  
 Suite 5:16 6:1,6,10  
 summer 36:14 46:18  
 Sundin 31:1,3,4,10  
 supervision 52:11  
 surgeon 23:5,7 27:15  
     41:9  
 surgeries 34:12 40:10  
     40:18,22 41:16  
 surgery 27:16,22 28:18  
     30:4,13,19 31:2,7  
     34:13 41:5,13,19  
     42:2  
 surrounding 49:23

sworn 7:3  
 S.E 1:17 5:20 6:21

---

**T**

---

T 1:11,11  
 take 11:15 12:8 13:5,7  
     19:20 35:9,10 50:10  
     50:13  
 taken 1:15 2:23 19:16  
     52:7  
 talk 9:14 10:13 21:18  
     26:21  
 talked 29:5 33:6 42:12  
 talking 9:11 15:17  
     21:14 22:5,12 29:11  
     29:17 31:23 32:21  
     33:17 39:18 40:4  
     43:1  
 tall 8:4 10:3  
 target 20:3  
 targets 13:9,15,21  
 teach 44:6  
 tell 8:8 9:9 18:17,22  
     25:3 27:11 31:11  
     33:7 40:18 41:16  
 telling 24:2  
 tendon 29:17,19 42:2  
 tendons 40:13  
 tenth 36:1 37:5  
 term 42:4  
 terms 45:23  
 test 17:12  
 testified 7:4  
 testimony 2:23  
 therapist 38:14 49:6  
 therapy 38:7,10,20,22  
     39:9 49:9,12  
 thereto 2:16  
 things 38:23  
 think 11:8 13:5 20:12  
     20:20 26:15 31:8,20  
     32:2,5,7 34:4,14  
     41:22 43:12,13 44:7  
     44:8 45:6  
 thinking 15:19  
 thinks 42:14  
 Third 6:1  
 thirteen 40:20,21  
 thirty 10:6  
 thoroughly 9:22  
 thought 28:21  
 three 11:23 44:9  
 thumb 39:15  
 time 2:14,14 13:1,12

15:11 22:15,21 23:3  
 26:4 27:4 34:13,23  
 35:4,18 36:11 41:23  
 52:15  
 tissue 41:22  
 today 27:7  
 Todd 2:21 5:23  
 told 9:21 17:22 18:20  
     18:22 24:10 28:21  
     29:1 44:10 45:20  
 tough 39:13  
 town 44:20  
 train 39:6  
 transcript 2:22 52:10  
     52:13  
 transfer 37:22  
 treat 27:12  
 treated 23:3  
 treatment 27:12  
 trial 2:14  
 tried 9:14  
 trigger 13:11 17:15  
     25:15,18  
 trip 29:21  
 true 52:13  
 try 10:13 29:2 39:4  
     44:5  
 trying 39:6,7,15 42:7  
     46:10  
 twenty-five 10:5  
 twice 44:9 49:16  
 two 21:10 32:4,7 33:16  
     34:19 37:19 39:16,18  
 two-year 37:21  
 Tylenol 35:10,14 50:14  
 type 10:11

---

**U**

---

U 1:11  
 UAB 30:12 34:7 41:2,7  
 Uh-huh 8:15,22 12:7  
     22:3 23:23 24:6 27:8  
     33:9 41:14  
 undergoing 49:11  
 understand 37:13  
 understood 40:15  
 Union 37:21  
 unloaded 13:12 16:7  
 unsafe 16:22  
 unsafely 16:16  
 use 11:3 13:2 16:19  
     28:23 42:15,17 45:12  
 uses 46:23  
 Usual 7:5

**V**

---

vacuum 46:2  
 Valley 7:16  
 view 17:17  
 visit 44:4  
 voice 18:21  
 vs 1:7 5:7

---

**W**

---

W 5:14  
 waiting 22:16 23:5,6  
 waived 2:3  
 wake 30:19  
 walking 35:2  
 Wal-Mart 21:1  
 want 9:20 10:18 11:19  
     42:13  
 wanted 9:12,12 11:15  
     12:19 13:17 29:1,6  
 wants 37:20  
 wash 46:2  
 wasn't 10:15 26:10  
     43:14  
 wasting 44:11  
 water 12:14  
 way 25:20 30:11 33:3  
     42:12  
 ways 44:6,13  
 wear 14:15,18  
 week 44:9 49:16  
 weeks 33:16 34:19 44:9  
 went 9:15 17:4 21:21  
     21:23 26:14 28:14,15  
     29:7 30:13 38:12,14  
     41:2  
 Wetumpka 6:15  
 We're 51:5  
 whatsoever 43:4  
 white 10:3  
 witness 2:3 6:22  
 woods 13:21  
 Wooten 1:16 5:19,20  
     6:20  
 work 7:18 8:1  
 worked 31:12  
 working 9:19 39:23  
 Works 49:21  
 wouldn't 18:22 35:9  
 wrapped 23:4  
 wrist 32:11 40:6,7  
 write 46:8,10

---

**X**

---

X 4:2

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 57

<u>Y</u>	<u>6</u>			
Yeah 32:5 41:11	650 6:10			
year 13:6,8 35:18 36:3	<u>7</u>			
36:8 37:10	7 4:5			
years 11:15 43:2	<u>8</u>			
young 12:18	8 51:7			
y'all 28:9 43:21 44:19	8th 1:18 2:23			
45:3 46:22 47:2,20	<u>9</u>			
48:8,11	9 4:9			
<u>0</u>				
04 38:6 40:9,18 43:6				
<u>1</u>				
1 4:8 9:2,5				
10 1:17 5:20 6:20				
1100 5:16 6:2 8:9,16				
15:4,12				
117 6:5				
12 9:12 20:21,23 21:8				
15 2:20				
16th 28:13				
1988 2:20				
<u>2</u>				
2:00 6:22				
2:40 51:6				
20 15:3,4,19				
2001 5:16				
2003 8:21				
2006 1:18 3:1 51:7				
201 6:6				
2100 6:1				
22 8:10,11 15:20				
22s 12:18				
270 13:6 20:21				
<u>3</u>				
3000 6:9				
3013 7:16 19:12				
32 8:10				
35203 5:17 6:2				
35244 6:11				
357 8:10,13 15:3				
36862 1:18 5:21 6:21				
36863 6:6				
38s 12:18				
<u>4</u>				
410 15:2,20				
48320 1:22				
<u>5</u>				
5(d) 2:18				

# **EXHIBIT C**



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 1

IN THE CIRCUIT COURT OF  
 CHAMBERS COUNTY, ALABAMA

CASE NUMBER: CV-05-02

Brian Bonner, et al.,

Plaintiff,

vs.

Interstate Arms Corporation, et al.,

Defendants.

**S T I P U L A T I O N**

IT IS STIPULATED AND AGREED by and  
 between the parties through their respective  
 counsel, that the deposition of James Tyler  
 Knowles, Jr. may be taken before Sara  
 Mahler, CSR, at the offices of the Wooten  
 Law Firm, at 10 Second Avenue S.E.,  
 LaFayette, Alabama 36862, on the 8th day of  
 June, 2006.

DEPOSITION OF JAMES TYLER KNOWLES, JR.

48320

Page 3

2006, along with the exhibits.

Please be advised that this is the  
 same and not retained by the Court Reporter,  
 nor filed with the Court.

\*\*\*\*\*

Page 2

IT IS FURTHER STIPULATED AND  
 AGREED that the signature to and the reading  
 of the deposition by the witness is waived,  
 the deposition to have the same force and  
 effect as if full compliance had been had  
 with all laws and Rules of Court relating to  
 the taking of depositions.

IT IS FURTHER STIPULATED AND  
 AGREED that it shall not be necessary for  
 any objections to be made by counsel to any  
 questions except as to form or leading  
 questions, and that counsel for the parties  
 may make objections and assign grounds at  
 the time of the trial, or at the time said  
 deposition is offered in evidence, or prior  
 thereto.

IT IS FURTHER STIPULATED AND  
 AGREED that in accordance with Rule 5(d) of  
 The Alabama Rules of Civil Procedure, as  
 Amended, effective May 15, 1988, I, Sara  
 Mahler, am hereby delivering to Todd M.  
 Higey the original transcript of the oral  
 testimony taken on the 8th day of June,

Page 4

\*\*\*\*\*

**I N D E X**

**EXAMINATION**

**PAGE**

By Mr. Higey ..... 7

\*\*\*\*\*

1 (Pages 1 to 4)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 5

IN THE CIRCUIT COURT OF  
 CHAMBERS COUNTY, ALABAMA

CASE NUMBER: CV-05-02

Brian Bonner, et al.,

Plaintiff,

vs.

Interstate Arms Corporation, et al.,

Defendants.

BEFORE:

SARA MAHLER, Commissioner.

APPEARANCES:

DAVID W. HODGE, ESQUIRE, of  
 Pittman, Hooks, Dutton, Kirby & Hellums,  
 2001 Park Place North, Suite 1100,  
 Birmingham, Alabama 35203, appearing on  
 behalf of the Plaintiff.

NICK WOOTEN, ESQUIRE, of the  
 Wooten Law Firm, 10 Second Avenue S.E.,  
 LaFayette, Alabama 36862, appearing on  
 behalf of the Plaintiff.

TODD M. HIGLEY, ESQUIRE, of Adams

Page 6

and Reese, 2100 Third Avenue North, Suite  
 1100, Birmingham, Alabama 35203, appearing  
 on behalf of the Defendant, Interstate Arms.

CURT JOHNSON, ESQUIRE, of Johnson,  
 Caldwell & McCoy, 117 North Lanier Avenue,  
 Suite 201, Lanett, Alabama 36863, appearing  
 on behalf of the Defendant, Interstate Arms.

RANDOLPH GILLUM, ESQUIRE, of  
 Rogers & Associates, 3000 Riverchase  
 Galleria, Suite 650, Birmingham, Alabama  
 35244, appearing on behalf of the Defendant,  
 Pawn City.

\*\*\*\*\*

I, SARA MAHLER, CSR, a Court  
 Reporter of Wetumpka, Alabama, acting as  
 Commissioner, certify that on this date, as  
 provided by the Alabama Rules of Civil  
 Procedure and the foregoing stipulation of  
 counsel, there came before me at the offices  
 of the Wooten Law Firm, 10 Second Avenue  
 S.E., LaFayette, Alabama 36862, beginning at  
 12:45 p.m., James Tyler Knowles, Jr.,  
 witness in the above cause, for oral

Page 7

examination, whereupon the following  
 proceedings were had:

JAMES TYLER KNOWLES, JR.,  
 being first duly sworn, was examined and  
 testified as follows:

COURT REPORTER: Usual  
 stipulations?

MR. HIGLEY: Yes.

MR. HODGE: That's fine.

EXAMINATION

BY MR. HIGLEY:

**Q. Would you please state your  
 full name.**

A. James Tyler Knowles, Jr.

**Q. And your present address?**

A. 3013 Hopewell Road, Valley  
 Alabama, 36854.

**Q. All right. And where are you  
 presently working?**

A. I'm self-employed.

**Q. Okay. And what's your line of  
 business?**

A. I own a lawn mower shop.

Page 8

**Q. All right. Now, how long have  
 you been married to Ms. Knowles?**

A. Oh Lord. She'd kill me if she  
 was in here.

**Q. Let me get you off the hook  
 here. About how old was Brian when you  
 married her?**

A. About twelve, I think.  
 Somewhere around in there.

**Q. Did you teach Brian anything  
 about how to shoot guns?**

A. Well, we've -- I've always  
 owned guns, and, you know, they went out and  
 shot with me. We've got fifteen acres of  
 land, and they shoot.

And I've always tried to teach  
 them safety and, kind of, watch them most of  
 the time until they got up to a certain age.

**Q. And what kinds of things did  
 you teach Brian about gun safety?**

A. One thing, not pointing them  
 at nobody and unloading them when he comes  
 in the house and puts them up and stuff like

2 (Pages 5 to 8)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 9

1 that.  
2 **Q. All right. And did you teach**  
3 **Brian anything about gun maintenance?**  
4 **A. No.**  
5 **Q. You own firearms yourself?**  
6 **A. Uh-huh.**  
7 **Q. And you have several firearms**  
8 **in the house?**  
9 **A. Uh-huh.**  
10 **Q. That would be yes for her?**  
11 **A. Yes.**  
12 **Q. Have you given a deposition**  
13 **before, Mr. --**  
14 **A. Yes, sir.**  
15 **Q. -- Knowles? As you may know,**  
16 **we just need to make sure we answer out loud**  
17 **yes or no, so she can understand what we're**  
18 **saying.**  
19 **A. All right.**  
20 **Q. If you forget, that's okay.**  
21 **I'll remind you. The gun that brings us**  
22 **here today the Norinco shotgun, were you**  
23 **there when it was purchased?**

Page 10

1 **A. No.**  
2 **Q. All right. Did you ever go**  
3 **with Brian to look at the gun?**  
4 **A. No.**  
5 **Q. When's the first time you saw**  
6 **that gun?**  
7 **A. When he and his mama bought it**  
8 **and brought it home.**  
9 **Q. Okay. Did you test fire the**  
10 **gun?**  
11 **A. No.**  
12 **Q. Did you inspect the gun?**  
13 **A. No.**  
14 **Q. Did you hold the gun?**  
15 **A. No.**  
16 **Q. All right. At any time**  
17 **between the time it was brought home until**  
18 **Brian got injured, did you shoot the gun?**  
19 **A. No.**  
20 **Q. At any time between it was**  
21 **brought home and when Brian got injured, did**  
22 **you hold the gun?**  
23 **A. Only time I remember holding**

Page 11

1 it was right after he had had the accident.  
2 **Q. It was after the accident?**  
3 **A. Yes. Uh-huh.**  
4 **Q. All right. But before the**  
5 **accident, you didn't have occasion to hold**  
6 **it?**  
7 **A. No.**  
8 **Q. All right. And you didn't**  
9 **have occasion to inspect it?**  
10 **A. No.**  
11 **Q. Where was the gun kept at the**  
12 **house?**  
13 **A. He's got a gun safe, and**  
14 **that's normally where he keeps his gun.**  
15 **Q. Where is his gun safe?**  
16 **A. He's moved it around a couple**  
17 **of times. One time in his bedroom and then**  
18 **he put it in his closet.**  
19 **Q. Do you hunt?**  
20 **A. No.**  
21 **Q. So you've never been hunting**  
22 **with Brian?**  
23 **A. Well I've been hunting, but**

Page 12

1 not with Brian.  
2 **Q. Okay. So you hunt yourself,**  
3 **but you hadn't been hunting with Brian?**  
4 **A. Well, I've probably been**  
5 **hunting seven or eight times in my whole**  
6 **life.**  
7 **Q. Okay. Did you see this**  
8 **incident when it happened?**  
9 **A. No.**  
10 **Q. All right. Where were you**  
11 **when it happened?**  
12 **A. I was in my brother-in-law and**  
13 **sister-in-law's house.**  
14 **Q. Who would that be?**  
15 **A. At that time, -- well, my**  
16 **sister-in-law was Bobbie Stewart, and she**  
17 **was married to Ralph Stewart at that time.**  
18 **Q. Bobbie is your sister?**  
19 **A. My sister-in-law.**  
20 **Q. So Ralph is your brother?**  
21 **A. Ralph was her husband at the**  
22 **time.**  
23 **Q. All right.**

3 (Pages 9 to 12)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 13

1 A. I say my brother-in-law and  
 2 sister-in-law at the time because they're  
 3 divorced now.

4 **Q. Okay. All right. Well, who**  
 5 **are you actually kin to?**

6 A. Well, Bobbie is my wife's  
 7 sister.

8 **Q. Okay. You were at the house?**

9 A. I was at the house that day.

10 **Q. And what were you doing?**

11 A. Well, me and Brian had just  
 12 gotten over there to their house that day,  
 13 and my wife was going to come over later  
 14 that evening. And Brian and the little boy  
 15 B.J. that was with him when this happened,  
 16 they was standing around in the house, and  
 17 said, you know, we're fixing to go out and  
 18 shoot the gun. And they left. And if I  
 19 recall right, probably within fifteen or  
 20 twenty minutes later, B.J. come running in  
 21 the house, and he was screaming and fell in  
 22 the floor and said that Brian had shot his  
 23 self, and me and my brother-in-law --

Page 14

1 **Q. This would be Ralph?**

2 A. -- Ralph Stewart. We got up  
 3 and took off out the back door. And at that  
 4 time my sister-in-law, Bobbie, she was  
 5 coming up the driveway and Brian was just  
 6 walking right beside her, and she was  
 7 holding him, and he was holding his hand  
 8 just like this, screaming.

9 But I mean I didn't know what  
 10 had happened at that time, and when I got up  
 11 to him it appeared to me that he was in  
 12 shock. He had a hole -- you could see all  
 13 the way through his hand.

14 **Q. Now, where were Brian and B.J.**  
 15 **shooting?**

16 A. I don't have a clue.

17 **Q. You ran out the back door?**

18 A. Well, when I say the back  
 19 door, the way their house was, the front of  
 20 the house, the front door was on this  
 21 side(indicating) and the back door and then  
 22 they had a hall you could go down to go out,  
 23 what I would call the side door. You know,

Page 15

1 and that one went straight out into the  
 2 driveway. And that was the one B.J. had run  
 3 in, and, you know, we got up and run out  
 4 that one, so it was the side door.

5 **Q. Side door?**

6 A. Yes. Uh-huh.

7 **Q. Okay. And when you got out,**  
 8 **you could see Brian?**

9 A. Yes. I could see him coming  
 10 up the driveway.

11 **Q. And Bobbie was with him?**

12 A. Uh-huh.

13 **Q. Now, what'd you do next?**

14 A. Well, I run up to him, and me  
 15 and my brother-in-law were scrambling  
 16 together to see, you know, what we needed to  
 17 do. And my brother-in-law brought a towel  
 18 out there and wrapped it around his hand,  
 19 and told me, he said, Jim, you just call Kay  
 20 and tell her to come over here, and don't  
 21 tell her what has happened because we didn't  
 22 want her to be flying and have a wreck in  
 23 the car.

Page 16

1 And we put him in the front  
 2 seat of his truck, and Ralph took off to  
 3 Lanier with him. And I called my wife and  
 4 told her, look you need to come on over here  
 5 now. And within about five minutes she was  
 6 there, and I told her what had happened, and  
 7 we went to the hospital.

8 **Q. And before Brian left with**  
 9 **Ralph, did he tell you what had happened?**

10 A. No. Huh-uh. I didn't really  
 11 talk much to Brian about what happened  
 12 probably a month if not later after that in  
 13 the hospital. You know, we was just setting  
 14 around trying to get through that, and then  
 15 we talked a little bit about it.

16 **Q. Now, they took him to the**  
 17 **local hospital?**

18 A. Yeah. They took him to Lanier  
 19 Memorial Hospital.

20 **Q. From there?**

21 A. Well, when we got there, they  
 22 cleaned his hand up and packed it, and they  
 23 told us right away that there was nothing

4 (Pages 13 to 16)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 17

1 they could do for him. And then they said,  
 2 well, we've got to get a room in Birmingham.  
 3 They started making phone  
 4 calls, and they said that they would have a  
 5 room available the next morning. So that  
 6 night, my wife and Brian spent the night at  
 7 Lanier Memorial, and I went on home and come  
 8 back and picked them up that morning, and we  
 9 went straight to Birmingham?  
 10 **Q. You drove him up to**  
 11 **Birmingham?**  
 12 A. Yes. I drove him to  
 13 Birmingham.  
 14 **Q. And did he stay in Birmingham**  
 15 **for a while then?**  
 16 A. Yeah. I can't remember  
 17 exactly how long it was that first time,  
 18 but, yes, we was up there a while.  
 19 **Q. Now, at the hospital, was**  
 20 **there any law enforcement person, hunting**  
 21 **game warden, sheriff, anybody come to**  
 22 **investigate and interview?**  
 23 A. No. Well, you asking about

Page 18

1 Lanier or Birmingham?  
 2 **Q. Well, let's start with Lanier.**  
 3 A. Okay. That was -- at Lanier  
 4 if a police come in and took a report there,  
 5 I don't know of it.  
 6 **Q. Okay.**  
 7 A. I mean I never seen or talked  
 8 to a police officer there.  
 9 **Q. Okay.**  
 10 A. And they say, you know,  
 11 they're really supposed do that on gun shot  
 12 accidents or problems like this. I mean,  
 13 but I never seen one there, and I never  
 14 talked to one in Birmingham.  
 15 The only person I talked to  
 16 when we got to Birmingham, we went straight  
 17 in the emergency room part and told them,  
 18 we're here, supposed to have a room and they  
 19 sent us back.  
 20 **Q. All right. So at no time have**  
 21 **you talked to a law enforcement person about**  
 22 **this incident?**  
 23 A. No.

Page 19

1 **Q. Okay. When B.J. came in, you**  
 2 **said he was screaming and threw himself on**  
 3 **the ground when he first came in the house?**  
 4 A. He fell coming in the door.  
 5 **Q. At that time did he tell you**  
 6 **what had happened?**  
 7 A. No.  
 8 **Q. Now, after --**  
 9 A. Other than he had shot his  
 10 self.  
 11 **Q. Did he give anymore detail**  
 12 **than that?**  
 13 A. No.  
 14 **Q. Now, after Ralph had left with**  
 15 **Brian, did you talk to B.J. about what had**  
 16 **happened?**  
 17 A. No.  
 18 **Q. Now, at any time since then,**  
 19 **have you talked with B.J. about what**  
 20 **happened?**  
 21 A. The only time I talked to B.J.  
 22 -- Lord, I can't remember when it was. I  
 23 talked to him once before, but it wasn't

Page 20

1 about what had happened, you know.  
 2 THE WITNESS: Wasn't it me and  
 3 you talking about getting B.J. to --  
 4 MR. HODGE: Don't talk about  
 5 anything you talked to B.J. about with us  
 6 present.  
 7 THE WITNESS: Yes. Okay.  
 8 A. I had -- the only -- as far as  
 9 talking to B.J. about exactly what happened,  
 10 I mean, I don't know.  
 11 **Q. All right. Did you talk to**  
 12 **B.J. with lawyers present?**  
 13 A. No. Huh-uh. No.  
 14 **Q. All right. Who else was at**  
 15 **the house that day when it occurred?**  
 16 A. It was me, Ralph, Bobbie,  
 17 B.J., Brian, and, I think, it was Jamie  
 18 Stewart, which is Bobbie's daughter, my  
 19 niece.  
 20 **Q. Jamie Stewart?**  
 21 A. Uh-huh. Jamie Stewart.  
 22 **Q. All right. That's a girl?**  
 23 A. Yes. Uh-huh.

5 (Pages 17 to 20)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 21

1 Q. Where was she, when all this  
 2 happened?  
 3 A. I don't know. I can't  
 4 remember that.  
 5 Q. Now, why did Ralph go to the  
 6 hospital as opposed to you?  
 7 A. Well, his truck was there and  
 8 it was the closest one we was to. And, you  
 9 know, we wrapped him up, and he told me to  
 10 call Kay, and that he would take care of him  
 11 and get him on down there as quick as he  
 12 could, and make sure he was all right.  
 13 Q. Have you handled this gun  
 14 since this incident?  
 15 A. No. Huh-uh.  
 16 Q. All right. After Brian left,  
 17 did you go to where the gun was?  
 18 A. I never went to where it  
 19 happened at.  
 20 Q. You never went and picked up  
 21 the gun?  
 22 A. The only time I touched that  
 23 gun after that is just at my house after

Page 22

1 that just looking at it. And when -- see  
 2 for a while, we kept that gun at my other  
 3 brother-in-law's house.  
 4 Q. Who's that?  
 5 A. Chris Dennis. He's the one  
 6 married to Bobbie, now. And he kept it  
 7 there, and then, when we had to turn the gun  
 8 over for all of this, you know, he brought  
 9 it to us.  
 10 Q. How did it wind up at Chris'  
 11 house?  
 12 A. Chris took it.  
 13 Q. From where? In other words  
 14 how did Chris get it?  
 15 A. I don't really know. I mean I  
 16 don't know.  
 17 Q. You just know at some point it  
 18 was in Chris' possession?  
 19 A. Yes.  
 20 Q. Did you view it at Chris'  
 21 house?  
 22 A. No. I never viewed it at his  
 23 house.

Page 23

1 Q. Now, you viewed it after it  
 2 left Chris' house?  
 3 A. Yes.  
 4 Q. How did it leave? Did you  
 5 pick it up from Chris' house?  
 6 A. I don't remember who picked it  
 7 up.  
 8 Q. When you next viewed the gun,  
 9 describe its condition for me?  
 10 A. Well, if I recall right, the  
 11 barrel, that piece right there where it  
 12 screws on the end(indicating), that piece  
 13 was broke off of it. I mean that's all I  
 14 remember about it.  
 15 Q. Did you pull out the trigger  
 16 mechanism?  
 17 A. No, no. I didn't do anything  
 18 like that to it.  
 19 Q. At any time, did you sit down  
 20 with Brian and ask him to explain what  
 21 happened?  
 22 A. Well, we didn't talk about it  
 23 for a while there you know him going through

Page 24

1 all of that at the hospital. But the only  
 2 thing that I -- I mean, he's told me a  
 3 couple of times, you know, the barrel come  
 4 off of it, but that's about it.  
 5 Q. When did he first say that?  
 6 A. I can't remember.  
 7 Q. Was this while he was at UAB  
 8 or after that?  
 9 A. Yeah. We talked a little bit  
 10 about it at UAB, you know, but after then  
 11 just a couple of times on occasion.  
 12 Q. Did you discuss it in any  
 13 greater detail what occurred?  
 14 A. Well, basically, you know,  
 15 pretty much all he could ever tell me was  
 16 about the barrel coming loose off and, you  
 17 know, and that at that time, he didn't  
 18 remember much about it.  
 19 Q. Did he say one way or the  
 20 other whether he had dropped the gun?  
 21 A. No.  
 22 Q. Did you ever talk with Chris  
 23 about what he knows about the gun or the

6 (Pages 21 to 24)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 25

1 condition of the gun?

2 A. No. Just -- we talked about  
 3 what had happened -- what could have  
 4 possibly happened to the gun to cause it.  
 5 You know, just things like that. But other  
 6 than that, nothing else.

7 Q. What did Chris express?

8 A. Just didn't know.

9 Q. Now, Brian's graduated from  
 10 high school; is that right?

11 A. Yes.

12 Q. What kind of grades did he get  
 13 in school?

14 A. Well, Brian, he's, kind of,  
 15 been up and down. You know, I think when he  
 16 graduated, he had a few As and Bs. And then  
 17 there's been times he had Ds and Fs, and,  
 18 you know, pulled the Fs up. In some of his  
 19 classes, he'd have, you know, low D and  
 20 there in the end, he done pretty good just  
 21 average I guess.

22 Q. What courses did he tend to do  
 23 better in?

Page 26

1 A. I think his strongest subjects  
 2 was P.E. for one, math, and some of his  
 3 middle and worse ones were like social  
 4 studies, reading, and stuff like that.

5 Q. Was he a member of any clubs  
 6 or associations?

7 A. No.

8 Q. Did he play sports at all?

9 A. No.

10 Q. Would you consider him a  
 11 bright young man?

12 A. Yes. Brian, he's pretty good.  
 13 But he's -- like I said, I mean, you want  
 14 your kids to do good and be the best, but I  
 15 think Brian is probably borderline average.

16 Q. Did he show any mechanical  
 17 aptitude?

18 A. Yes. He helped me, you know,  
 19 at times at the shop up until this happened.  
 20 And, you know -- I mean he'd always wanted  
 21 to help me some and work on cars, you know,  
 22 and after that, you know, he couldn't do  
 23 that anymore.

Page 27

1 Q. Did he -- you ever see him  
 2 like to take apart his guns and put them  
 3 back together again?

4 A. No. I've never seen him  
 5 disassemble one and put it back together.

6 Q. What's he doing nowadays?

7 A. Well, he just graduated  
 8 school, and he's hoping to start Southern  
 9 Union after the summer. And other than  
 10 that, you know, I carry him to the shop with  
 11 me to keep him from sitting at home.

12 Of course, we just had a bad  
 13 fire in our business back in September, you  
 14 know, and we are opening up in a new  
 15 location. And we're doing an inventory,  
 16 now, you know, with all the new parts coming  
 17 in, and I let him set up there with his  
 18 laptop, you know, and put inventory in. And  
 19 we download it into the computer and stuff  
 20 like that to give him a little something to  
 21 do.

22 Q. A little bit of bookkeeping  
 23 work?

Page 28

1 A. Yes. You know, but I mean  
 2 he's not an the payroll or nothing. He just  
 3 comes up to help me a little with that.

4 Q. Has he been accepted to this  
 5 Southern Union?

6 A. Yes.

7 Q. Is that a two-year or a  
 8 four-year school?

9 A. I think Brian's going four  
 10 years. He got a -- he won every year.  
 11 Where my wife works at Knauf, they have a  
 12 drawing for a scholarship. And the only  
 13 scholarship he got, he won a  
 14 four-thousand-dollar scholarship from there.  
 15 It's a thousand dollars per year. But he'll  
 16 definitely have to keep a C average to keep  
 17 that. And then the church, Lanett  
 18 Congressional Church. I can't remember what  
 19 it was, but they give him a little bit, too.

20 Q. Okay. Is there anyone else  
 21 you've talked to about this incident, any  
 22 other person who witnessed it?

23 A. No. You know, the only way

7 (Pages 25 to 28)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 29

1 that I've talked to anybody about it, you  
 2 know, just since it happened up until now,  
 3 you know. The people always asking how he's  
 4 doing. What could have happened, you know.

5 **Q. Right, right. I'm concerned**  
 6 **more about anyone who would have been there**  
 7 **at the house that day or would have been**  
 8 **there immediately afterward?**

9 A. No. Huh-uh.

10 **Q. What's your understanding of**  
 11 **what treatment he'll need in the future?**

12 A. That is something I don't  
 13 know. I mean, the plastic surgeons that's  
 14 worked on him, Dr. Sundin was the first, and  
 15 now Dr. Long.

16 Pretty much what I've gathered  
 17 from it is -- I mean, they made this remark  
 18 to us before that it was the worst hand  
 19 injury they had ever seen, and if he did  
 20 make it, and they got his hand working  
 21 again, that he would go down in the medical  
 22 history books.

23 And, you know, it's kind of

Page 31

1 A. Well, you know just those with  
 2 the two fingers, from what I've gathered of  
 3 it -- you know, my wife, of course, she goes  
 4 more to Birmingham with him now. You know,  
 5 they'll go in, cut scar tissue out. And,  
 6 you know, I think they'll have a problem  
 7 with that with it building up.

8 **Q. You're talking about the --**

9 A. These two fingers(indicating).

10 **Q. -- Pointer finger and the**  
 11 **middle finger?**

12 A. Yeah. Uh-huh. To me, that's  
 13 the ones he has the most trouble with now.

14 **Q. Now, y'all have health**  
 15 **insurance?**

16 A. Yes, sir.

17 **Q. Whose health insurance has**  
 18 **been covering your expenses?**

19 A. The insurance we got through  
 20 Knauf, I think.

21 **Q. That's your wife's employer?**

22 A. Yes.

23 **Q. It's not your health**

Page 30

1 one of them things where they're pretty much  
 2 doing what they can do to make it work again  
 3 and hope that they can do that.

4 But as far as how many more  
 5 surgeries he'll need or what, I mean, I  
 6 don't even think the doctors can say that  
 7 right now.

8 **Q. What's he able to do with his**  
 9 **hand nowadays?**

10 A. Well, the hand is messed up.  
 11 Really, not much. I mean, you know, he'll  
 12 try to wash some dishes and stuff and drop  
 13 stuff on occasions, you know.

14 But he works real hard at  
 15 therapy with it and trying to do the best he  
 16 can do, but, you know, you can look at his  
 17 hand and tell he can't do much with it. And  
 18 the two fingers up here(indicating), you  
 19 know, those -- they worry about them from  
 20 time to time.

21 **Q. You said they worry?**

22 A. Yes.

23 **Q. Why do they worry?**

Page 32

1 **insurance?**

2 A. No. I worked at Knauf before  
 3 I opened my business full-time. I was out  
 4 there five years, and we used to have the  
 5 insurance through me, the same insurance.  
 6 And when I quit and opened the business up  
 7 full time, then we transferred it over to my  
 8 wife.

9 **Q. It's been in her name?**

10 A. Yes, it's been in her name.

11 **Q. Have there been medical**  
 12 **expenses that have not been reimbursed by**  
 13 **insurance that you'd have to pay yourself?**

14 A. I know me and my wife's had to  
 15 pay a good bit of money out of pocket that  
 16 insurance didn't cover, you know. As far as  
 17 the medical expense part of it, I mean, I  
 18 couldn't tell you exactly what dollar amount  
 19 or how much, you know. She knows more about  
 20 that than I do.

21 **Q. I need to ask her about what**  
 22 **kind of out-of-pocket expenses you've had?**

23 A. Yes.

8 (Pages 29 to 32)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 33

Page 35

1 **Q. And then y'all have had**  
 2 **probably --**  
 3 A. Well, now if you figure -- You  
 4 talk about out-of-pocket expenses, I mean,  
 5 you know, we've got records at home and  
 6 we're going to try to get them all up and  
 7 looked at.  
 8 But there's quite a few  
 9 thousand dollars that I know that we've had  
 10 to pay out of pocket. And not to mention  
 11 trips back and forth to Birmingham, motels  
 12 and, you know, stuff, it does get very  
 13 expensive.  
 14 **Q. Have y'all sat down and added**  
 15 **all that up yet?**  
 16 A. No. Huh-uh.  
 17 **Q. Do you ever talk to anyone**  
 18 **from Pawn City about this gun?**  
 19 A. No. Huh-uh.  
 20 **Q. Before or after?**  
 21 A. No. Huh-uh.  
 22 **Q. Did you ever contact anyone at**  
 23 **Interstate Arms about this case?**

1 **REPORTER'S CERTIFICATE**  
 2 **STATE OF ALABAMA,**  
 3 **ELMORE COUNTY,**  
 4 I, Sara Mahler, Certified Shorthand  
 5 Reporter and Commissioner for the State of  
 6 Alabama at Large, do hereby certify that the  
 7 above and foregoing proceeding was taken  
 8 down by me by stenographic means, and that  
 9 the content herein was produced in  
 10 transcript form by computer aid under my  
 11 supervision, and that the foregoing  
 12 represents, to the best of my ability, a  
 13 true and correct transcript of the  
 14 proceedings occurring on said date and at  
 15 said time.  
 16 I further certify that I am neither  
 17 of kin nor of counsel to the parties to the  
 18 action; nor in any manner interested in the  
 19 result of said case.  
 20  
 21  
 22  
 23

\_\_\_\_\_  
 Sara Mahler, CSR,  
 for the State of  
 Alabama at Large.

Page 34

1 A. I didn't.  
 2 **Q. Do you know anyone who has?**  
 3 A. No, I don't.  
 4 **Q. All right. You hadn't tried**  
 5 **to contact Norinco have you?**  
 6 A. No, I haven't.  
 7 MR. HIGEY: Those are all my  
 8 questions.  
 9 MR. GILLUM: I don't have any  
 10 questions.  
 11 MR. HODGE: You're done.  
 12 (The deposition was concluded at 1:15 p.m.,  
 13 June 8, 2006.)  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

9 (Pages 33 to 35)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 36

<div>A</div> <div>ability 35:12 able 30:8 accepted 28:4 accident 11:1,2,5 accidents 18:12 acres 8:14 acting 6:15 action 35:18 Adams 5:23 added 33:14 address 7:15 advised 3:2 afterward 29:8 age 8:18 AGREED 1:12 2:2,9 2:18 aid 35:10 al 1:5,8 5:5,8 Alabama 1:2,18 2:19 5:2,17,21 6:2,6,10,15 6:17,21 7:17 35:2,6 35:23 Amended 2:20 amount 32:18 answer 9:16 anybody 17:21 29:1 anymore 19:11 26:23 apart 27:2 APPEARANCES 5:13 appeared 14:11 appearing 5:17,21 6:2 6:6,11 aptitude 26:17 Arms 1:8 5:8 6:3,7 33:23 asking 17:23 29:3 assign 2:13 Associates 6:9 associations 26:6 available 17:5 Avenue 1:17 5:20 6:1,5 6:20 average 25:21 26:15 28:16</div>	<div>beginning 6:21 behalf 5:18,22 6:3,7,11 best 26:14 30:15 35:12 better 25:23 Birmingham 5:17 6:2 6:10 17:2,9,11,13,14 18:1,14,16 31:4 33:11 bit 16:15 24:9 27:22 28:19 32:15 Bobbie 12:16,18 13:6 14:4 15:11 20:16 22:6 Bobbie's 20:18 Bonner 1:5 5:5 bookkeeping 27:22 books 29:22 borderline 26:15 bought 10:7 boy 13:14 Brian 1:5 5:5 8:6,10,20 9:3 10:3,18,21 11:22 12:1,3 13:11,14,22 14:5,14 15:8 16:8,11 17:6 19:15 20:17 21:16 23:20 25:14 26:12,15 Brian's 25:9 28:9 bright 26:11 brings 9:21 broke 23:13 brother 12:20 brother-in-law 12:12 13:1,23 15:15,17 brother-in-law's 22:3 brought 10:8,17,21 15:17 22:8 Bs 25:16 building 31:7 business 7:22 27:13 32:3,6 B.J 13:15,20 14:14 15:2 19:1,15,19,21 20:3,5,9,12,17</div>	<div>cars 26:21 case 1:4 5:4 33:23 35:19 cause 6:23 25:4 certain 8:18 CERTIFICATE 35:1 Certified 35:4 certify 6:16 35:6,16 CHAMBERS 1:2 5:2 Chris 22:5,10,12,14,18 22:20 23:2,5 24:22 25:7 church 28:17,18 CIRCUIT 1:1 5:1 City 6:12 33:18 Civil 2:19 6:17 classes 25:19 cleaned 16:22 closest 21:8 closet 11:18 clubs 26:5 clue 14:16 come 13:13,20 15:20 16:4 17:7,21 18:4 24:3 comes 8:22 28:3 coming 14:5 15:9 19:4 24:16 27:16 Commissioner 5:12 6:16 35:5 compliance 2:5 computer 27:19 35:10 concerned 29:5 concluded 34:12 condition 23:9 25:1 Congressional 28:18 consider 26:10 contact 33:22 34:5 content 35:9 Corporation 1:8 5:8 correct 35:13 counsel 1:14 2:10,12 6:19 35:17 COUNTY 1:2 5:2 35:3 couple 11:16 24:3,11 course 27:12 31:3 courses 25:22 Court 1:1 2:6 3:3,4 5:1 6:14 7:6 cover 32:16 covering 31:18 CSR 1:16 6:14 35:22 CURT 6:4 cut 31:5</div>	<div>CV-05-02 1:4 5:4</div> <div>D</div> <div>D 4:2 25:19 date 6:16 35:14 daughter 20:18 DAVID 5:14 day 1:18 2:23 13:9,12 20:15 29:7 Defendant 6:3,7,11 Defendants 1:9 5:9 definitely 28:16 delivering 2:21 Dennis 22:5 deposition 1:14,21 2:3 2:4,15 9:12 34:12 depositions 2:7 describe 23:9 detail 19:11 24:13 disassemble 27:5 discuss 24:12 dishes 30:12 divorced 13:3 doctors 30:6 doing 13:10 27:6,15 29:4 30:2 dollar 32:18 dollars 28:15 33:9 door 14:3,17,19,20,21 14:23 15:4,5 19:4 download 27:19 Dr 29:14,15 drawing 28:12 driveway 14:5 15:2,10 drop 30:12 dropped 24:20 drove 17:10,12 Ds 25:17 duly 7:4 Dutton 5:15</div> <div>E</div> <div>E 4:2 effect 2:5 effective 2:20 eight 12:5 ELMORE 35:3 emergency 18:17 employer 31:21 end(indicating) 23:12 enforcement 17:20 18:21 ESQUIRE 5:14,19,23 6:4,8</div>	<div>et 1:5,8 5:5,8 evening 13:14 evidence 2:15 exactly 17:17 20:9 32:18 examination 4:3 7:1,10 examined 7:4 exhibits 3:1 expense 32:17 expenses 31:18 32:12 32:22 33:4 expensive 33:13 explain 23:20 express 25:7</div> <div>F</div> <div>far 20:8 30:4 32:16 fell 13:21 19:4 fifteen 8:14 13:19 figure 33:3 filed 3:4 fine 7:9 finger 31:10,11 fingers 30:18 31:2 fingers(indicating) 31:9 fire 10:9 27:13 firearms 9:5,7 Firm 1:17 5:20 6:20 first 7:4 10:5 17:17 19:3 24:5 29:14 five 16:5 32:4 fixing 13:17 floor 13:22 flying 15:22 following 7:1 follows 7:5 force 2:4 foregoing 6:18 35:7,11 forget 9:20 form 2:11 35:10 forth 33:11 four 28:9 four-thousand-dollar 28:14 four-year 28:8 front 14:19,20 16:1 Fs 25:17,18 full 2:5 7:13 32:7 full-time 32:3 further 2:1,8,17 35:16 future 29:11</div> <div>G</div>
--	--	--	--	---



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 37

<p>Galleria 6:10  game 17:21  gathered 29:16 31:2  getting 20:3  GILLUM 6:8 34:9  girl 20:22  give 19:11 27:20 28:19  given 9:12  go 10:2 13:17 14:22,22  21:5,17 29:21 31:5  goes 31:3  going 13:13 23:23 28:9  33:6  good 25:20 26:12,14  32:15  gotten 13:12  grades 25:12  graduated 25:9,16 27:7  greater 24:13  ground 19:3  grounds 2:13  guess 25:21  gun 8:20 9:3,21 10:3,6  10:10,12,14,18,22  11:11,13,14,15 13:18  18:11 21:13,17,21,23  22:2,7 23:8 24:20,23  25:1,4 33:18  guns 8:11,13 27:2</p> <hr/> <p align="center"><b>H</b></p> <hr/> <p>hall 14:22  hand 14:7,13 15:18  16:22 29:18,20 30:9  30:10,17  handled 21:13  happened 12:8,11  13:15 14:10 15:21  16:6,9,11 19:6,16,20  20:1,9 21:2,19 23:21  25:3,4 26:19 29:2,4  hard 30:14  health 31:14,17,23  Hellums 5:15  help 26:21 28:3  helped 26:18  here(indicating) 30:18  he'll 28:15 29:11 30:5  30:11  Higey 2:22 4:5 5:23 7:8  7:11 34:7  high 25:10  history 29:22  HODGE 5:14 7:9 20:4</p>	<p>34:11  hold 10:14,22 11:5  holding 10:23 14:7,7  hole 14:12  home 10:8,17,21 17:7  27:11 33:5  hook 8:5  Hooks 5:15  hope 30:3  Hopewell 7:16  hoping 27:8  hospital 16:7,13,17,19  17:19 21:6 24:1  house 8:23 9:8 11:12  12:13 13:8,9,12,16  13:21 14:19,20 19:3  20:15 21:23 22:3,11  22:21,23 23:2,5 29:7  Huh-uh 16:10 20:13  21:15 29:9 33:16,19  33:21  hunt 11:19 12:2  hunting 11:21,23 12:3  12:5 17:20  husband 12:21</p> <hr/> <p align="center"><b>I</b></p> <hr/> <p>immediately 29:8  incident 12:8 18:22  21:14 28:21  injured 10:18,21  injury 29:19  inspect 10:12 11:9  insurance 31:15,17,19  32:1,5,5,13,16  interested 35:18  Interstate 1:8 5:8 6:3,7  33:23  interview 17:22  inventory 27:15,18  investigate 17:22</p> <hr/> <p align="center"><b>J</b></p> <hr/> <p>James 1:14,21 6:22 7:3  7:14  Jamie 20:17,20,21  Jim 15:19  Johnson 6:4,4  Jr 1:15,21 6:22 7:3,14  June 1:19 2:23 34:13</p> <hr/> <p align="center"><b>K</b></p> <hr/> <p>Kay 15:19 21:10  keep 27:11 28:16,16</p>	<p>keeps 11:14  kept 11:11 22:2,6  kids 26:14  kill 8:3  kin 13:5 35:17  kind 8:17 25:12,14  29:23 32:22  kinds 8:19  Kirby 5:15  Knauf 28:11 31:20  32:2  know 8:13 9:15 13:17  14:9,23 15:3,16  16:13 18:5,10 20:1  20:10 21:3,9 22:8,15  22:16,17 23:23 24:3  24:10,14,17 25:5,8  25:15,18,19 26:18,20  26:21,22 27:10,14,16  27:18 28:1,23 29:2,3  29:4,13,23 30:11,13  30:16,19 31:1,3,4,6  32:14,16,19 33:5,9  33:12 34:2  Knowles 1:15,21 6:22  7:3,14 8:2 9:15  knows 24:23 32:19</p> <hr/> <p align="center"><b>L</b></p> <hr/> <p>L 1:11  LaFayette 1:18 5:21  6:21  land 8:15  Lanett 6:6 28:17  Lanier 6:5 16:3,18 17:7  18:1,2,3  laptop 27:18  Large 35:6,23  law 1:17 5:20 6:20  17:20 18:21  lawn 7:23  laws 2:6  lawyers 20:12  leading 2:11  leave 23:4  left 13:18 16:8 19:14  21:16 23:2  let's 18:2  life 12:6  line 7:21  little 13:14 16:15 24:9  27:20,22 28:3,19  local 16:17  location 27:15</p>	<p>long 8:1 17:17 29:15  look 10:3 16:4 30:16  looked 33:7  looking 22:1  loose 24:16  Lord 8:3 19:22  loud 9:16  low 25:19</p> <hr/> <p align="center"><b>M</b></p> <hr/> <p>M 2:21 5:23  Mahler 1:16 2:21 5:12  6:14 35:4,22  maintenance 9:3  making 17:3  mama 10:7  man 26:11  manner 35:18  married 8:2,7 12:17  22:6  math 26:2  McCoy 6:5  mean 14:9 18:7,12  20:10 22:15 23:13  24:2 26:13,20 28:1  29:13,17 30:5,11  32:17 33:4  means 35:8  mechanical 26:16  mechanism 23:16  medical 29:21 32:11,17  member 26:5  Memorial 16:19 17:7  mention 33:10  messed 30:10  middle 26:3 31:11  minutes 13:20 16:5  money 32:15  month 16:12  morning 17:5,8  motels 33:11  moved 11:16  mower 7:23</p> <hr/> <p align="center"><b>N</b></p> <hr/> <p>N 1:11 4:2  name 7:13 32:9,10  necessary 2:9  need 9:16 16:4 29:11  30:5 32:21  needed 15:16  neither 35:16  never 11:21 18:7,13,13  21:18,20 22:22 27:4</p>	<p>new 27:14,16  NICK 5:19  niece 20:19  night 17:6,6  Norinco 9:22 34:5  normally 11:14  North 5:16 6:1,5  nowadays 27:6 30:9  NUMBER 1:4 5:4</p> <hr/> <p align="center"><b>O</b></p> <hr/> <p>O 1:11  objections 2:10,13  occasion 11:5,9 24:11  occasions 30:13  occurred 20:15 24:13  occurring 35:14  offered 2:15  officer 18:8  offices 1:16 6:19  Oh 8:3  okay 7:21 9:20 10:9  12:2,7 13:4,8 15:7  18:3,6,9 19:1 20:7  28:20  old 8:6  once 19:23  ones 26:3 31:13  opened 32:3,6  opening 27:14  opposed 21:6  oral 2:22 6:23  original 2:22  out-of-pocket 32:22  33:4  owned 8:13</p> <hr/> <p align="center"><b>P</b></p> <hr/> <p>P 1:11  packed 16:22  PAGE 4:4  Park 5:16  part 18:17 32:17  parties 1:13 2:12 35:17  parts 27:16  Pawn 6:12 33:18  pay 32:13,15 33:10  payroll 28:2  people 29:3  person 17:20 18:15,21  28:22  phone 17:3  pick 23:5  picked 17:8 21:20 23:6</p>
---	---	--	--	--

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 38

<p>piece 23:11,12  Pittman 5:15  Place 5:16  Plaintiff 1:6 5:6,18,22  plastic 29:13  play 26:8  please 3:2 7:12  pocket 32:15 33:10  point 22:17  Pointer 31:10  pointing 8:21  police 18:4,8  possession 22:18  possibly 25:4  present 7:15 20:6,12  presently 7:19  pretty 24:15 25:20  26:12 29:16 30:1  prior 2:15  probably 12:4 13:19  16:12 26:15 33:2  problem 31:6  problems 18:12  Procedure 2:19 6:18  proceeding 35:7  proceedings 7:2 35:14  produced 35:9  provided 6:17  pull 23:15  pulled 25:18  purchased 9:23  put 11:18 16:1 27:2,5  27:18  puts 8:23  P.E 26:2  p.m 6:22 34:12</p> <hr/> <p align="center"><b>Q</b></p> <p>questions 2:11,12 34:8  34:10  quick 21:11  quit 32:6  quite 33:8</p> <hr/> <p align="center"><b>R</b></p> <p>Ralph 12:17,20,21 14:1  14:2 16:2,9 19:14  20:16 21:5  ran 14:17  RANDOLPH 6:8  reading 2:2 26:4  real 30:14  really 16:10 18:11  22:15 30:11</p>	<p>recall 13:19 23:10  records 33:5  Reese 6:1  reimbursed 32:12  relating 2:6  remark 29:17  remember 10:23 17:16  19:22 21:4 23:6,14  24:6,18 28:18  remind 9:21  report 18:4  Reporter 3:3 6:15 7:6  35:5  REPORTER'S 35:1  represents 35:12  respective 1:13  result 35:19  retained 3:3  right 7:18 8:1 9:2,19  10:2,16 11:1,4,8  12:10,23 13:4,19  14:6 16:23 18:20  20:11,14,22 21:12,16  23:10,11 25:10 29:5  29:5 30:7 34:4  Riverchase 6:9  Road 7:16  Rogers 6:9  room 17:2,5 18:17,18  Rule 2:18  Rules 2:6,19 6:17  run 15:2,3,14  running 13:20</p> <hr/> <p align="center"><b>S</b></p> <p>S 1:11  safe 11:13,15  safety 8:17,20  Sara 1:15 2:20 5:12  6:14 35:4,22  sat 33:14  saw 10:5  saying 9:18  scar 31:5  scholarship 28:12,13  28:14  school 25:10,13 27:8  28:8  scrambling 15:15  screaming 13:21 14:8  19:2  screws 23:12  seat 16:2  Second 1:17 5:20 6:20</p>	<p>see 12:7 14:12 15:8,9  15:16 22:1 27:1  seen 18:7,13 27:4 29:19  self 13:23 19:10  self-employed 7:20  sent 18:19  September 27:13  set 27:17  setting 16:13  seven 12:5  sheriff 17:21  She'd 8:3  shock 14:12  shoot 8:11,15 10:18  13:18  shooting 14:15  shop 7:23 26:19 27:10  Shorthand 35:4  shot 8:14 13:22 18:11  19:9  shotgun 9:22  show 26:16  side 14:23 15:4,5  side(indicating) 14:21  signature 2:2  sir 9:14 31:16  sister 12:18 13:7  sister-in-law 12:16,19  13:2 14:4  sister-in-law's 12:13  sit 23:19  sitting 27:11  social 26:3  Southern 27:8 28:5  spent 17:6  sports 26:8  standing 13:16  start 18:2 27:8  started 17:3  state 7:12 35:2,5,22  stay 17:14  stenographic 35:8  Stewart 12:16,17 14:2  20:18,20,21  STIPULATED 1:12  2:1,8,17  stipulation 6:18  stipulations 7:7  straight 15:1 17:9  18:16  strongest 26:1  studies 26:4  stuff 8:23 26:4 27:19  30:12,13 33:12</p>	<p>subjects 26:1  Suite 5:16 6:1,6,10  summer 27:9  Sundin 29:14  supervision 35:11  supposed 18:11,18  sure 9:16 21:12  surgeons 29:13  surgeries 30:5  sworn 7:4  S.E 1:17 5:20 6:21</p> <hr/> <p align="center"><b>T</b></p> <p>T 1:11,11  take 21:10 27:2  taken 1:15 2:23 35:7  talk 16:11 19:15 20:4  20:11 23:22 24:22  33:4,17  talked 16:15 18:7,14,15  18:21 19:19,21,23  20:5 24:9 25:2 28:21  29:1  talking 20:3,9 31:8  teach 8:10,16,20 9:2  tell 15:20,21 16:9 19:5  24:15 30:17 32:18  tend 25:22  test 10:9  testified 7:5  testimony 2:23  therapy 30:15  thereto 2:16  thing 8:21 24:2  things 8:19 25:5 30:1  think 8:8 20:17 25:15  26:1,15 28:9 30:6  31:6,20  Third 6:1  thousand 28:15 33:9  threw 19:2  time 2:14,14 8:18 10:5  10:16,17,20,23 11:17  12:15,17,22 13:2  14:4,10 17:17 18:20  19:5,18,21 21:22  23:19 24:17 30:20,20  32:7 35:15  times 11:17 12:5 24:3  24:11 25:17 26:19  tissue 31:5  today 9:22  Todd 2:21 5:23  told 15:19 16:4,6,23</p>	<p>18:17 21:9 24:2  touched 21:22  towel 15:17  transcript 2:22 35:10  35:13  transferred 32:7  treatment 29:11  trial 2:14  tried 8:16 34:4  trigger 23:15  trips 33:11  trouble 31:13  truck 16:2 21:7  true 35:13  try 30:12 33:6  trying 16:14 30:15  turn 22:7  twelve 8:8  twenty 13:20  two 30:18 31:2,9  two-year 28:7  Tyler 1:14,21 6:22 7:3  7:14</p> <hr/> <p align="center"><b>U</b></p> <p>U 1:11  UAB 24:7,10  Uh-huh 9:6,9 11:3 15:6  15:12 20:21,23 31:12  understand 9:17  understanding 29:10  Union 27:9 28:5  unloading 8:22  Usual 7:6</p> <hr/> <p align="center"><b>V</b></p> <p>Valley 7:16  view 22:20  viewed 22:22 23:1,8  vs 1:7 5:7</p> <hr/> <p align="center"><b>W</b></p> <p>W 5:14  waived 2:3  walking 14:6  want 15:22 26:13  wanted 26:20  warden 17:21  wash 30:12  wasn't 19:23 20:2  watch 8:17  way 14:13,19 24:19  28:23  went 8:13 15:1 16:7</p>
---	--	--	---	---

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 39

17:7,9 18:16 21:18	<u>3</u>			
21:20	3000 6:9			
Wetumpka 6:15	3013 7:16			
we're 9:17 13:17 18:18	35203 5:17 6:2			
27:15 33:6	35244 6:11			
we've 8:12,14 17:2	36854 7:17			
33:5,9	36862 1:18 5:21 6:21			
what'd 15:13	36863 6:6			
When's 10:5				
wife 13:13 16:3 17:6	<u>4</u>			
28:11 31:3 32:8	48320 1:23			
wife's 13:6 31:21 32:14				
wind 22:10	<u>5</u>			
witness 2:3 6:23 20:2,7	5(d) 2:18			
witnessed 28:22				
won 28:10,13	<u>6</u>			
Wooten 1:16 5:19,20	650 6:10			
6:20				
words 22:13	<u>7</u>			
work 26:21 27:23 30:2	7 4:5			
worked 29:14 32:2				
working 7:19 29:20	<u>8</u>			
works 28:11 30:14	8 34:13			
worry 30:19,21,23	8th 1:18 2:23			
worse 26:3				
worst 29:18				
wrapped 15:18 21:9				
wreck 15:22				
<u>X</u>				
X 4:2				
<u>Y</u>				
Yeah 16:18 17:16 24:9				
31:12				
year 28:10,15				
years 28:10 32:4				
young 26:11				
y'all 31:14 33:1,14				
<u>1</u>				
1:15 34:12				
10 1:17 5:20 6:20				
1100 5:16 6:2				
117 6:5				
12:45 6:22				
15 2:20				
1988 2:20				
<u>2</u>				
2001 5:16				
2006 1:19 3:1 34:13				
201 6:6				
2100 6:1				

# **EXHIBIT D**

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 1

Page 3

1 IN THE CIRCUIT COURT OF  
2 CHAMBERS COUNTY, ALABAMA  
3  
4 CASE NUMBER: CV-05-02  
5 Brian Bonner, et al.,  
6 Plaintiff,  
7 vs.  
8 Interstate Arms Corporation, et al.,  
9 Defendants.  
10  
11 STIPULATION  
12 IT IS STIPULATED AND AGREED by and  
13 between the parties through their respective  
14 counsel, that the deposition of Tyler  
15 Knowles may be taken before Sara Mahler,  
16 CSR, at the offices of the Wooten Law Firm,  
17 at 10 Second Avenue S.E., LaFayette, Alabama  
18 36862, on the 8th day of June, 2006.  
19  
20 DEPOSITION OF TYLER KNOWLES  
21  
22 48320  
23

1 2006, along with the exhibits.  
2 Please be advised that this is the  
3 same and not retained by the Court Reporter,  
4 nor filed with the Court.  
5 \*\*\*\*\*  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

Page 2

Page 4

1 IT IS FURTHER STIPULATED AND  
2 AGREED that the signature to and the reading  
3 of the deposition by the witness is waived,  
4 the deposition to have the same force and  
5 effect as if full compliance had been had  
6 with all laws and Rules of Court relating to  
7 the taking of depositions.  
8 IT IS FURTHER STIPULATED AND  
9 AGREED that it shall not be necessary for  
10 any objections to be made by counsel to any  
11 questions except as to form or leading  
12 questions, and that counsel for the parties  
13 may make objections and assign grounds at  
14 the time of the trial, or at the time said  
15 deposition is offered in evidence, or prior  
16 thereto.  
17 IT IS FURTHER STIPULATED AND  
18 AGREED that in accordance with Rule 5(d) of  
19 The Alabama Rules of Civil Procedure, as  
20 Amended, effective May 15, 1988, I, Sara  
21 Mahler, am hereby delivering to Todd M.  
22 Higey the original transcript of the oral  
23 testimony taken on the 8th day of June,

1 \*\*\*\*\*  
2 INDEX  
3 EXAMINATION  
4 PAGE  
5 By Mr. Johnson ..... 7  
6 \*\*\*\*\*  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1 (Pages 1 to 4)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 5

1 IN THE CIRCUIT COURT OF  
 2 CHAMBERS COUNTY, ALABAMA  
 3  
 4 CASE NUMBER: CV-05-02  
 5 Brian Bonner, et al.,  
 6 Plaintiff,  
 7 vs.  
 8 Interstate Arms Corporation, et al.,  
 9 Defendants.  
 10  
 11 BEFORE:  
 12 SARA MAHLER, Commissioner.  
 13 APPEARANCES:  
 14 DAVID W. HODGE, ESQUIRE, of  
 15 Pittman, Hooks, Dutton, Kirby & Hellums,  
 16 2001 Park Place North, Suite 1100,  
 17 Birmingham, Alabama 35203, appearing on  
 18 behalf of the Plaintiff.  
 19 NICK WOOTEN, ESQUIRE, of the  
 20 Wooten Law Firm, 10 Second Avenue S.E.,  
 21 LaFayette, Alabama 36862, appearing on  
 22 behalf of the Plaintiff.  
 23 TODD M. HIGLEY, ESQUIRE, of Adams

Page 6

1 and Reese, 2100 Third Avenue North, Suite  
 2 1100, Birmingham, Alabama 35203, appearing  
 3 on behalf of the Defendant, Interstate Arms.  
 4 CURT JOHNSON, ESQUIRE, of Johnson,  
 5 Caldwell & McCoy, 117 North Lanier Avenue,  
 6 Suite 201, Lanett, Alabama 36863, appearing  
 7 on behalf of the Defendant, Interstate Arms.  
 8 RANDOLPH GILLUM, ESQUIRE, of  
 9 Rogers & Associates, 3000 Riverchase  
 10 Galleria, Suite 650, Birmingham, Alabama  
 11 35244, appearing on behalf of the Defendant,  
 12 Pawn City.  
 13 \* \* \* \* \*  
 14 I, SARA MAHLER, CSR, a Court  
 15 Reporter of Wetumpka, Alabama, acting as  
 16 Commissioner, certify that on this date, as  
 17 provided by the Alabama Rules of Civil  
 18 Procedure and the foregoing stipulation of  
 19 counsel, there came before me at the offices  
 20 of the Wooten Law Firm, 10 Second Avenue  
 21 S.E., LaFayette, Alabama 36862, beginning at  
 22 12:15 p.m., Tyler Knowles, witness in the  
 23 above cause, for oral examination, whereupon

Page 7

1 the following proceedings were had:  
 2 TYLER KNOWLES,  
 3 being first duly sworn, was examined and  
 4 testified as follows:  
 5 COURT REPORTER: Usual  
 6 stipulations?  
 7 MR. JOHNSON: Yes, ma'am.  
 8 EXAMINATION  
 9 BY MR. JOHNSON:  
 10 Q. State your name, Tyler.  
 11 A. Tyler Knowles.  
 12 Q. And your address?  
 13 A. 3013 Hopewell Road, Valley,  
 14 Alabama.  
 15 Q. Was your last job with the  
 16 Lanett Police Department -- with the City of  
 17 Lanett?  
 18 A. Yes, sir.  
 19 Q. Okay. You worked anywhere  
 20 since then?  
 21 A. No, sir.  
 22 Q. Okay. Tyler, tell me, we'll  
 23 just start on your mother's side, who are

Page 8

1 your relatives in Chambers County that are  
 2 living now?  
 3 A. On my mother's side?  
 4 Q. Yes.  
 5 A. James Daniel, Sheila Daniel.  
 6 Q. What's their relationship to  
 7 you?  
 8 A. It's my mother's brother.  
 9 Q. Okay.  
 10 A. And his wife.  
 11 Q. Okay.  
 12 A. Matt Sanders from Lanett, and  
 13 Beatrice Sanders, Melvin Crew Pitts, Sr.  
 14 Q. Will you state what their  
 15 relationship is to you, Tyler?  
 16 A. He's my uncle.  
 17 Q. Okay.  
 18 A. Jack Pitts. He's my uncle.  
 19 Scotty Sanders.  
 20 Q. His relationship?  
 21 A. Cousin. Dotty Eastridge,  
 22 cousin; Angie Milner, cousin; Bruce Milner,  
 23 cousin; Billy Daniel, cousin; Harold

2 (Pages 5 to 8)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 9

1 Sellers, uncle; Hal Sellers, cousin; Tim  
 2 Knowles, Jr.; Bud Knowles, cousin; Shirley  
 3 Knowles, an aunt; Melvin Andrew Pitts,  
 4 cousin. That's all I remember.  
 5 **Q. On your mama's side. What**  
 6 **about on your daddy's side?**  
 7 A. Just Bud Knowles. I'm sorry.  
 8 I gave you his name.  
 9 **Q. Just Bud's the only one?**  
 10 A. Yes, sir.  
 11 **Q. Tyler, did you ever show Brian**  
 12 **anything as to how to use a gun or anything**  
 13 **like that?**  
 14 A. Not as actually showing him  
 15 with a gun, no, sir.  
 16 **Q. Okay. Did you ever shoot guns**  
 17 **with him?**  
 18 A. No, sir.  
 19 **Q. Were you ever around when he**  
 20 **shot guns?**  
 21 A. I've been down at Jim's house  
 22 when they was shooting some.  
 23 **Q. Did you teach Jim how to**

Page 10

1 shoot?  
 2 A. Jim?  
 3 **Q. Yes.**  
 4 A. Yes, sir, some.  
 5 **Q. Okay. How is it that you came**  
 6 **to find out about Brian having had this**  
 7 **accident?**  
 8 A. Ralph Stewart, I believe, it  
 9 was, called looking for Jim and told me what  
 10 had happened.  
 11 **Q. What did he tell you?**  
 12 A. He told me that Brian had had  
 13 an accident and had shot his hand.  
 14 **Q. Uh-huh.**  
 15 A. Well, as a matter of fact, he  
 16 told me he shot his hand off.  
 17 **Q. Okay.**  
 18 A. And I immediately told him I'd  
 19 be on the way out there.  
 20 **Q. Did he tell you anything about**  
 21 **how the accident occurred?**  
 22 A. No. He said that, I believe,  
 23 it was Ralph's son that was with him. That

Page 11

1 they were together shooting at a neighbor's  
 2 house, and that he got shot.  
 3 He didn't go into detail and  
 4 tell me per se, you know, what happened at  
 5 that time. He just told me that he shot his  
 6 hand off.  
 7 **Q. Okay. Did you go to the**  
 8 **hospital then, or did you contact Jim? What**  
 9 **did you do?**  
 10 A. I got in touch with Jim and  
 11 somebody else had already gotten in touch  
 12 with him, and I was on the way out to  
 13 Hugely.  
 14 When I got out there, of  
 15 course, he was gone, so I think Jim had  
 16 gotten there.  
 17 Now, I wasn't there, okay.  
 18 But I think Jim had already gotten out  
 19 there, and he and somebody else carried him  
 20 to the hospital.  
 21 **Q. Okay. Did you see the gun**  
 22 **when you got out there?**  
 23 A. I did not.

Page 12

1 **Q. Okay. Have you ever seen this**  
 2 **gun?**  
 3 A. I'm sure I had because there  
 4 was several guns, you know, that I've seen  
 5 at Jim's house. Yes, I've seen it since  
 6 that time for sure.  
 7 **Q. That was what my question was.**  
 8 **Have you seen it since then?**  
 9 A. Yes, sir.  
 10 **Q. Where did you see it?**  
 11 A. I saw it -- it was a day or  
 12 two after the shooting, I think.  
 13 **Q. Who showed it to you?**  
 14 A. Curt, I believe it was Jim.  
 15 There was several of us, a bunch of people  
 16 down there at his house.  
 17 **Q. Okay. Was it at Jim's house?**  
 18 A. I believe it was.  
 19 **Q. Okay. So they'd taken it back**  
 20 **to Jim's -- obviously, somebody had taken it**  
 21 **to Jim's house? The accident did not occur**  
 22 **at Jim's house?**  
 23 A. No, sir. It happened in

3 (Pages 9 to 12)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 13

1 Hugely.  
 2 **Q. Okay. So Jim had it at his**  
 3 **house?**  
 4 A. I believe that's what -- to be  
 5 honest with you, I don't remember. I didn't  
 6 write all of it down because I sure didn't.  
 7 **Q. That's fine. I understand.**  
 8 A. I think it was at Jim's house.  
 9 **Q. Had you talked prior to seeing**  
 10 **the gun? Had anybody told you what**  
 11 **happened?**  
 12 A. Well, they told me that Brian  
 13 was out there with his little cousin. They  
 14 was shooting the guns and a gun went off and  
 15 blew his hand off.  
 16 **Q. They didn't tell you -- who**  
 17 **was they?**  
 18 A. Jim told me that. The Stewart  
 19 boy that called me to begin with told me  
 20 that.  
 21 **Q. Did the Stewart boy tell you**  
 22 **he saw what happened?**  
 23 A. No, sir.

Page 14

1 **Q. Okay. Did the Stewart boy**  
 2 **tell you anything about what happened?**  
 3 A. Just like I told you. He  
 4 said, all right, his son and Brian were off  
 5 shooting guns.  
 6 **Q. Okay. Hang on a second. You**  
 7 **said that his son. Who are we talking about**  
 8 **was talking now?**  
 9 A. Stewart.  
 10 **Q. This would have been the**  
 11 **father of the Stewart boy?**  
 12 A. The boy that was with him,  
 13 yes, sir.  
 14 **Q. What did he tell you?**  
 15 A. Like I told a while ago. Just  
 16 that they were out in the woods shooting,  
 17 and that the gun went off and shot Brian's  
 18 hand off.  
 19 At that time he thought it was  
 20 off, I'm sure, but that's what he told me  
 21 that he thought he shot his hand off.  
 22 **Q. Did you talk to anybody after**  
 23 **you talked to him and before you saw the gun**

Page 15

1 **about what happened?**  
 2 A. Yes. I can't remember who  
 3 all. Because everybody was calling and  
 4 wanting to know how bad he was.  
 5 **Q. I'm just talking about told**  
 6 **you what happened, not everybody asking**  
 7 **about how he was.**  
 8 I'm sure you had a lot of  
 9 phone calls from concerned family and  
 10 friends.  
 11 A. Just the same thing. That  
 12 they were out there shooting and told him  
 13 that the gun jammed and that it had went  
 14 off, and like I said, shot his hand off.  
 15 **Q. Okay. Did Jim tell you what**  
 16 **he understood happened?**  
 17 A. The same thing. Said that  
 18 they told him that -- I believe he said the  
 19 gun jammed, and that Brian had his hand on  
 20 top of the gun, and the gun went off. And  
 21 Stewart told me that it went straight  
 22 through his hand. That it was gone.  
 23 **Q. Okay. Describe the gun when**

Page 16

1 **you saw it. What'd it look like?**  
 2 A. Curt, I actually don't  
 3 remember exactly what it looked like.  
 4 **Q. Was it in one piece? Was it**  
 5 **in multiple pieces?**  
 6 A. It wasn't in multiple pieces.  
 7 It had -- I'm trying to think if the barrel  
 8 was separated or not. I know they was  
 9 showing me that it had jammed or something.  
 10 **Q. But you don't remember whether**  
 11 **it was still in one piece?**  
 12 A. I really don't.  
 13 **Q. You don't remember anybody**  
 14 **trying to recreate how it might have**  
 15 **occurred?**  
 16 A. No, sir.  
 17 **Q. Okay. Do you know if the gun**  
 18 **was taken to anybody who might have some**  
 19 **knowledge of guns to look at, or do you know**  
 20 **of anybody else who looked at it?**  
 21 A. Not at that -- I don't know,  
 22 but I don't think it was. I wasn't told if  
 23 it was.

4 (Pages 13 to 16)

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 17

1 **Q. I'm just asking you what you**  
 2 **knew, Tyler?**  
 3 A. I don't know. I know that  
 4 when Jim and them talked to me after -- you  
 5 know, the first few days everything was  
 6 looked after Brian, period.  
 7 **Q. Yes.**  
 8 A. And he asked me about it, and  
 9 he told me that the gun jammed, and I told  
 10 him, you know, you need to get you a lawyer,  
 11 and get a lawyer to look at it and see.  
 12 **Q. Okay. Was anything other than**  
 13 **that discussed?**  
 14 A. No, sir.  
 15 **Q. Did you ever see the gun again**  
 16 **after that day?**  
 17 A. No, sir.  
 18 **Q. Okay. What other discussions**  
 19 **have you had with Jim or anybody about the**  
 20 **gun or -- have you had any other discussions**  
 21 **about how this accident occurred?**  
 22 A. We had other discussions. He  
 23 told me about Brian, you know, how Brian

Page 18

1 said it had jammed, and they were trying to  
 2 figure out how it went off. But as far as  
 3 sitting down and discussing the gun, per se,  
 4 no. That's the reason I told him that.  
 5 **Q. What did they tell you about**  
 6 **how the gun went off? Did Brian ever tell**  
 7 **you how the gun went off?**  
 8 A. He said the gun jammed. He  
 9 had it -- it was standing up, and he had his  
 10 hand on top of it. And he said the next  
 11 thing he knew -- I don't know this. I guess  
 12 he was in shock, but he said his cousin had  
 13 grabbed him, and the gun had gone off and  
 14 went through his hand.  
 15 **Q. I didn't catch the first part**  
 16 **of what you said, Tyler.**  
 17 A. I said the gun had jammed on  
 18 him.  
 19 **Q. Uh-huh.**  
 20 A. And he was standing there with  
 21 his hand on top of the gun.  
 22 **Q. Uh-huh. Like standing up on**  
 23 **the ground? Standing up on the ground?**

Page 19

1 A. I don't know. I suppose.  
 2 **Q. You said standing up. I**  
 3 **figured it had to be standing on something.**  
 4 A. Yes.  
 5 **Q. Okay. Then it just went off?**  
 6 A. Yes, sir. That's what he  
 7 said. He said that the next thing he knew  
 8 his cousin grabbed his hand, and there was  
 9 blood everywhere. And they were trying to  
 10 get in touch with the Stewart boy's daddy to  
 11 get him to the hospital.  
 12 **Q. This is what Brian told you?**  
 13 A. Yes, sir.  
 14 **Q. Did Jim tell you anything?**  
 15 A. Same thing Brian had told me.  
 16 **Q. Okay. Did Brian -- did the**  
 17 **Stewart boy tell you anything?**  
 18 A. No. His daddy did.  
 19 **Q. Okay.**  
 20 A. That was his daddy.  
 21 **Q. The daddy told you about him**  
 22 **blowing his hand off?**  
 23 A. Yes, sir.

Page 20

1 **Q. Did he tell you anything else?**  
 2 A. No. He told me to find Jim,  
 3 and I started trying to find Jim.  
 4 **Q. Did anybody else have a**  
 5 **discussion with you other than Brian's**  
 6 **attorneys about what happened out there?**  
 7 A. No, sir. Not other than like  
 8 I told you a while ago. Everybody in the  
 9 world just wanted to know what happened.  
 10 MR. JOHNSON: That's all I  
 11 got.  
 12 (The deposition was concluded at 12:30 p.m.,  
 13 June 8, 2006.)  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

5 (Pages 17 to 20)

LEGALINK, A MERRILL COMPANY  
Court Reporting \* Legal Videography \* Trial Services

Page 21

REPORTER'S CERTIFICATE

STATE OF ALABAMA,  
ELMORE COUNTY,

I, Sara Mahler, Certified Shorthand  
Reporter and Commissioner for the State of  
Alabama at Large, do hereby certify that the  
above and foregoing proceeding was taken  
down by me by stenographic means, and that  
the content herein was produced in  
transcript form by computer aid under my  
supervision, and that the foregoing  
represents, to the best of my ability, a  
true and correct transcript of the  
proceedings occurring on said date and at  
said time.

I further certify that I am neither  
of kin nor of counsel to the parties to the  
action; nor in any manner interested in the  
result of said case.

Sara Mahler, CSR,  
for the State of  
Alabama at Large.

6 (Page 21)



**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 22

<p align="center"><b>A</b></p> <p>ability 21:12  accident 10:7,13,21  12:21 17:21  acting 6:15  action 21:18  Adams 5:23  address 7:12  advised 3:2  ago 14:15 20:8  <b>AGREED</b> 1:12 2:2,9  2:18  aid 21:10  al 1:5,8 5:5,8  Alabama 1:2,17 2:19  5:2,17,21 6:2,6,10,15  6:17,21 7:14 21:2,6  21:23  Amended 2:20  Andrew 9:3  Angie 8:22  anybody 13:10 14:22  16:13,18,20 17:19  20:4  <b>APPEARANCES</b> 5:13  appearing 5:17,21 6:2  6:6,11  Arms 1:8 5:8 6:3,7  asked 17:8  asking 15:6 17:1  assign 2:13  Associates 6:9  attorneys 20:6  aunt 9:3  Avenue 1:17 5:20 6:1,5  6:20</p>	<p>boy 13:19,21 14:1,11  14:12 19:17  boy's 19:10  Brian 1:5 5:5 9:11 10:6  10:12 13:12 14:4  15:19 17:6,23,23  18:6 19:12,15,16  Brian's 14:17 20:5  brother 8:8  Bruce 8:22  Bud 9:2,7  Bud's 9:9  bunch 12:15</p>	<p align="center"><b>D</b></p> <p>D 4:2  daddy 19:10,18,20,21  daddy's 9:6  Daniel 8:5,5,23  date 6:16 21:14  <b>DAVID</b> 5:14  day 1:18 2:23 12:11  17:16  days 17:5  Defendant 6:3,7,11  Defendants 1:9 5:9  delivering 2:21  Department 7:16  deposition 1:14,20 2:3  2:4,15 20:12  depositions 2:7  Describe 15:23  detail 11:3  discussed 17:13  discussing 18:3  discussion 20:5  discussions 17:18,20,22  Dotty 8:21  duly 7:3  Dutton 5:15</p>	<p>Firm 1:16 5:20 6:20  first 7:3 17:5 18:15  following 7:1  follows 7:4  force 2:4  foregoing 6:18 21:7,11  form 2:11 21:10  friends 15:10  full 2:5  further 2:1,8,17 21:16</p> <p align="center"><b>G</b></p> <p>Galleria 6:10  <b>GILLUM</b> 6:8  go 11:3,7  gotten 11:11,16,18  grabbed 18:13 19:8  ground 18:23,23  grounds 2:13  guess 18:11  gun 9:12,15 11:21 12:2  13:10,14 14:17,23  15:13,19,20,20,23  16:17 17:9,15,20  18:3,6,7,8,13,17,21  guns 9:16,20 12:4  13:14 14:5 16:19</p>	<p>Interstate 1:8 5:8 6:3,7</p> <p align="center"><b>J</b></p> <p>Jack 8:18  James 8:5  jammed 15:13,19 16:9  17:9 18:1,8,17  Jim 9:23 10:2,9 11:8,10  11:15,18 12:14 13:2  13:18 15:15 17:4,19  19:14 20:2,3  Jim's 9:21 12:5,17,20  12:21,22 13:8  job 7:15  Johnson 4:5 6:4,4 7:7,9  20:10  Jr 9:2  June 1:18 2:23 20:13</p>
<p align="center"><b>B</b></p> <p>back 12:19  bad 15:4  barrel 16:7  Beatrice 8:13  beginning 6:21  behalf 5:18,22 6:3,7,11  believe 10:8,22 12:14  12:18 13:4 15:18  best 21:12  Billy 8:23  Birmingham 5:17 6:2  6:10  blood 19:9  blowed 13:15  blowing 19:22  Bonner 1:5 5:5</p>	<p align="center"><b>C</b></p> <p>Caldwell 6:5  called 10:9 13:19  calling 15:3  calls 15:9  carried 11:19  case 1:4 5:4 21:19  catch 18:15  cause 6:23  <b>CERTIFICATE</b> 21:1  Certified 21:4  certify 6:16 21:6,16  Chambers 1:2 5:2 8:1  <b>CIRCUIT</b> 1:1 5:1  City 6:12 7:16  Civil 2:19 6:17  Commissioner 5:12  6:16 21:5  compliance 2:5  computer 21:10  concerned 15:9  concluded 20:12  contact 11:8  content 21:9  Corporation 1:8 5:8  correct 21:13  counsel 1:14 2:10,12  6:19 21:17  County 1:2 5:2 8:1  21:3  course 11:15  Court 1:1 2:6 3:3,4 5:1  6:14 7:5  cousin 8:21,22,22,23  8:23 9:1,2,4 13:13  18:12 19:8  Crew 8:13  CSR 1:16 6:14 21:22  Curt 6:4 12:14 16:2  CV-05-02 1:4 5:4</p>	<p align="center"><b>E</b></p> <p>E 4:2  Eastridge 8:21  effect 2:5  effective 2:20  <b>ELMORE</b> 21:3  <b>ESQUIRE</b> 5:14,19,23  6:4,8  et 1:5,8 5:5,8  everybody 15:3,6 20:8  evidence 2:15  exactly 16:3  examination 4:3 6:23  7:8  examined 7:3  exhibits 3:1</p> <p align="center"><b>F</b></p> <p>fact 10:15  family 15:9  far 18:2  father 14:11  figure 18:2  figured 19:3  filed 3:4  find 10:6 20:2,3  fine 13:7</p>	<p align="center"><b>H</b></p> <p>Hal 9:1  hand 10:13,16 11:6  13:15 14:18,21 15:14  15:19,22 18:10,14,21  19:8,22  Hang 14:6  happened 10:10 11:4  12:23 13:11,22 14:2  15:1,6,16 20:6,9  Harold 8:23  Hellums 5:15  Higey 2:22 5:23  <b>HODGE</b> 5:14  honest 13:5  Hooks 5:15  Hopewell 7:13  hospital 11:8,20 19:11  house 9:21 11:2 12:5  12:16,17,21,22 13:3  13:8  Hugely 11:13 13:1</p> <p align="center"><b>I</b></p> <p>immediately 10:18  interested 21:18</p>	<p align="center"><b>K</b></p> <p>kin 21:17  Kirby 5:15  knew 17:2 18:11 19:7  know 11:4 12:4 15:4  16:8,17,19,21 17:3,9  17:5,10,23 18:11  19:1 20:9  knowledge 16:19  Knowles 1:15,20 6:22  7:2,11 9:2,2,3,7</p> <p align="center"><b>L</b></p> <p>L 1:11  LaFayette 1:17 5:21  6:21  Lanett 6:6 7:16,17 8:12  Lanier 6:5  Large 21:6,23  Law 1:16 5:20 6:20  laws 2:6  lawyer 17:10,11  leading 2:11  little 13:13  living 8:2  look 16:1,19 17:11  looked 16:3,20 17:6  looking 10:9  lot 15:8</p> <p align="center"><b>M</b></p> <p>M 2:21 5:23  Mahler 1:15 2:21 5:12  6:14 21:4,22  mama's 9:5</p>

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 23

manner 21:18  
 Matt 8:12  
 matter 10:15  
 ma'am 7:7  
 McCoy 6:5  
 means 21:8  
 Melvin 8:13 9:3  
 Milner 8:22,22  
 mother's 7:23 8:3,8  
 multiple 16:5,6

**N**

N 1:11 4:2  
 name 7:10 9:8  
 necessary 2:9  
 need 17:10  
 neighbor's 11:1  
 neither 21:16  
 NICK 5:19  
 North 5:16 6:1,5  
 NUMBER 1:4 5:4

**O**

O 1:11  
 objections 2:10,13  
 obviously 12:20  
 occur 12:21  
 occurred 10:21 16:15  
 17:21  
 occurring 21:14  
 offered 2:15  
 offices 1:16 6:19  
 okay 7:19,22 8:9,11,17  
 9:16 10:5,17 11:7,17  
 11:21 12:1,17,19  
 13:2 14:1,6 15:15,23  
 16:17 17:12,18 19:5  
 19:16,19  
 oral 2:22 6:23  
 original 2:22

**P**

P 1:11  
 PAGE 4:4  
 Park 5:16  
 part 18:15  
 parties 1:13 2:12 21:17  
 Pawn 6:12  
 people 12:15  
 period 17:6  
 phone 15:9  
 piece 16:4,11  
 pieces 16:5,6  
 Pittman 5:15

Pitts 8:13,18 9:3  
 Place 5:16  
 Plaintiff 1:6 5:6,18,22  
 Please 3:2  
 Police 7:16  
 prior 2:15 13:9  
 Procedure 2:19 6:18  
 proceeding 21:7  
 proceedings 7:1 21:14  
 produced 21:9  
 provided 6:17  
 p.m 6:22 20:12

**Q**

question 12:7  
 questions 2:11,12

**R**

Ralph 10:8  
 Ralph's 10:23  
 RANDOLPH 6:8  
 reading 2:2  
 really 16:12  
 reason 18:4  
 recreate 16:14  
 Reese 6:1  
 relating 2:6  
 relationship 8:6,15,20  
 relatives 8:1  
 remember 9:4 13:5  
 15:2 16:3,10,13  
 Reporter 3:3 6:15 7:5  
 21:5  
 REPORTER'S 21:1  
 represents 21:12  
 respective 1:13  
 result 21:19  
 retained 3:3  
 right 14:4  
 Riverchase 6:9  
 Road 7:13  
 Rogers 6:9  
 Rule 2:18  
 Rules 2:6,19 6:17

**S**

S 1:11  
 Sanders 8:12,13,19  
 Sara 1:15 2:20 5:12  
 6:14 21:4,22  
 saw 12:11 13:22 14:23  
 16:1  
 Scotty 8:19  
 se 11:4 18:3

second 1:17 5:20 6:20  
 14:6  
 see 11:21 12:10 17:11  
 17:15  
 seeing 13:9  
 seen 12:1,4,5,8  
 Sellers 9:1,1  
 separated 16:8  
 Sheila 8:5  
 Shirley 9:2  
 shock 18:12  
 shoot 9:16 10:1  
 shooting 9:22 11:1  
 12:12 13:14 14:5,16  
 15:12  
 Shorthand 21:4  
 shot 9:20 10:13,16 11:2  
 11:5 14:17,21 15:14  
 show 9:11  
 showed 12:13  
 showing 9:14 16:9  
 side 7:23 8:3 9:5,6  
 signature 2:2  
 sir 7:18,21 9:10,15,18  
 10:4 12:9,23 13:23  
 14:13 16:16 17:14,17  
 19:6,13,23 20:7  
 sitting 18:3  
 somebody 11:11,19  
 12:20  
 son 10:23 14:4,7  
 sorry 9:7  
 Sr 8:13  
 standing 18:9,20,22,23  
 19:2,3  
 start 7:23  
 started 20:3  
 state 7:10 8:14 21:2,5  
 21:22  
 stenographic 21:8  
 Stewart 10:8 13:18,21  
 14:1,9,11 15:21  
 19:10,17  
 STIPULATED 1:12  
 2:1,8,17  
 stipulation 6:18  
 stipulations 7:6  
 straight 15:21  
 Suite 5:16 6:1,6,10  
 supervision 21:11  
 suppose 19:1  
 sure 12:3,6 13:6 14:20  
 15:8  
 sworn 7:3

S.E 1:17 5:20 6:21

**T**

T 1:11,11  
 taken 1:15 2:23 12:19  
 12:20 16:18 21:7  
 talk 14:22  
 talked 13:9 14:23 17:4  
 talking 14:7,8 15:5  
 teach 9:23  
 tell 7:22 10:11,20 11:4  
 13:16,21 14:2,14  
 15:15 18:5,6 19:14  
 19:17 20:1  
 testified 7:4  
 testimony 2:23  
 thereto 2:16  
 they'd 12:19  
 thing 15:11,17 18:11  
 19:7,15  
 think 11:15,18 12:12  
 13:8 16:7,22  
 Third 6:1  
 thought 14:19,21  
 Tim 9:1  
 time 2:14,14 11:5 12:6  
 14:19 21:15  
 Todd 2:21 5:23  
 told 10:9,12,16,18 11:5  
 13:10,12,18,19 14:3  
 14:15,20 15:5,12,18  
 15:21 16:22 17:9,9  
 17:23 18:4 19:12,15  
 19:21 20:2,8  
 top 15:20 18:10,21  
 touch 11:10,11 19:10  
 transcript 2:22 21:10  
 21:13  
 trial 2:14  
 true 21:13  
 trying 16:7,14 18:1  
 19:9 20:3  
 two 12:12  
 Tyler 1:14,20 6:22 7:2  
 7:10,11,22 8:15 9:11  
 17:2 18:16

**U**

U 1:11  
 Uh-huh 10:14 18:19,22  
 uncle 8:16,18 9:1  
 understand 13:7  
 understood 15:16  
 use 9:12

Usual 7:5

**V**

Valley 7:13  
 vs 1:7 5:7

**W**

W 5:14  
 waived 2:3  
 wanted 20:9  
 wanting 15:4  
 wasn't 11:17 16:6,22  
 way 10:19 11:12  
 went 13:14 14:17 15:13  
 15:20,21 18:2,6,7,14  
 19:5  
 Wetumpka 6:15  
 we'll 7:22  
 What'd 16:1  
 wife 8:10  
 witness 2:3 6:22  
 woods 14:16  
 Wooten 1:16 5:19,20  
 6:20  
 worked 7:19  
 world 20:9  
 write 13:6

**X**

X 4:2

**1**

10 1:17 5:20 6:20  
 1100 5:16 6:2  
 117 6:5  
 12:15 6:22  
 12:30 20:12  
 15 2:20  
 1988 2:20

**2**

2001 5:16  
 2006 1:18 3:1 20:13  
 201 6:6  
 2100 6:1

**3**

3000 6:9  
 3013 7:13  
 35203 5:17 6:2  
 35244 6:11  
 36862 1:18 5:21 6:21  
 36863 6:6

**LEGALINK, A MERRILL COMPANY**  
**Court Reporting \* Legal Videography \* Trial Services**

Page 24

4
48320 1:22
5
5(d) 2:18
6
650 6:10
7
7 4:5
8
8 20:13
8th 1:18 2:23

# **EXHIBIT E**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER, ) 6 Plaintiff, ) 7 vs. ) CASE NUMBER: 8 PAWN CITY, INC., ) 3:06-CV-00715-MHT 9 et al., ) 10 Defendants. ) 11 12 DEPOSITION OF CHRISTOPHER DENNIS 13 In accordance with Rule 5(d) of 14 The Alabama Rules of Civil Procedure, as 15 Amended, effective May 15, 1988, I, Cindy 16 Weldon, am hereby delivering to Alan D. 17 Mathis, the original transcript of the oral 18 testimony taken on the 19th day of 19 September, 2007, along with exhibits. 20 Please be advised that this is the 21 same and not retained by the Court Reporter, 22 nor filed with the Court. 23</p>	<p style="text-align: right;">Page 3</p> <p>1 AGREED that the signature to and the reading 2 of the deposition by the witness is waived, 3 the deposition to have the same force and 4 effect as if full compliance had been had 5 with all laws and rules of Court relating to 6 the taking of depositions. 7 IT IS FURTHER STIPULATED AND 8 AGREED that it shall not be necessary for 9 any objections to be made by counsel to any 10 questions, except as to form or leading 11 questions, and that counsel for the parties 12 may make objections and assign grounds at 13 the time of trial, or at the time said 14 deposition is offered in evidence, or prior 15 thereto. 16 IT IS FURTHER STIPULATED AND 17 AGREED that notice of filing of the 18 deposition by the Commissioner is waived. 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER, ) 6 Plaintiff, ) 7 vs. ) CASE NUMBER: 8 ) 3:06-CV-00715-MHT 9 PAWN CITY, INC., ) 10 et al., ) 11 Defendants. ) 12 13 STIPULATION 14 IT IS STIPULATED AND AGREED, by 15 and between the parties through their 16 respective counsel, that the deposition of 17 CHRISTOPHER DENNIS, may be taken before 18 Cindy Weldon, Certified Shorthand Reporter, 19 Commissioner and Notary Public, at the 20 offices of the Wooten Law Firm, 10 2nd 21 Avenue SE, Lafayette, Alabama, on September 22 the 19th, 2007 at 1:00 p.m. 23 IT IS FURTHER STIPULATED AND</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 MR. DAVID HODGE 5 PITTMAN, DUTTON, KIRBY &amp; HELLUMS 6 1100 PARK PLACE TOWER 7 BIRMINGHAM, ALABAMA 35203 8 9 MR. NICK WOOTEN 10 THE WOOTEN LAW FIRM 11 10 2ND AVENUE SE 12 LAFAYETTE, ALABAMA 36862 13 14 FOR THE DEFENDANT: 15 MR. ALAN D. MATHIS 16 JOHNSTON, BARTON PROCTOR &amp; ROSE 17 COLONIAL BROOKWOOD CENTER 18 569 BROOKWOOD VILLAGE, SUITE 901 19 BIRMINGHAM, ALABAMA 35209 20 21 22 23</p>

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 5</p> <p>1 MR. TODD M. HIGEY 2 ADAMS &amp; REESE 3 2100 3RD AVENUE NORTH, SUITE 1100 4 BIRMINGHAM, ALABAMA 35203 5 6 ALSO PRESENT: 7 MR. ROB RODGERS 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 7</p> <p>1 CHRIS DENNIS, 2 after first being duly sworn, testified 3 as follows: 4 EXAMINATION BY MR. MATHIS: 5 THE COURT REPORTER: Usual 6 stipulations? 7 MR. MATHIS: Yes. 8 MR. HODGE: That's fine. 9 <b>Q. Would you please state your full</b> 10 <b>name.</b> 11 A. Christopher Brian Dennis. 12 <b>Q. And your birthdate, please.</b> 13 A. March 22nd, 1972. 14 <b>Q. Your address, please.</b> 15 A. 1393 Fairfax Bypass, Valley, 16 Alabama 36854. 17 <b>Q. Have you ever been deposed before?</b> 18 A. What? 19 <b>Q. Deposed? Been to a deposition</b> 20 <b>like this before?</b> 21 A. No. 22 <b>Q. I'm going to give you just a few</b> 23 <b>of the basic ground rules that we tell</b></p>
<p style="text-align: right;">Page 6</p> <p>1 INDEX 2 3 EXAMINATION BY: PAGE 4 MR. MATHIS 7, 65 5 MR. HIGEY 27 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 8</p> <p>1 everybody. Try to always answer out loud. 2 Avoid just nodding or shaking your head so 3 that she can get a clear record of what we 4 say. 5 Also, if it's a yes or no 6 question, please say yes or no instead of 7 huh-uh or uh-huh so that again she can get a 8 clear record. If you need to take a break 9 at any time, just let us know. 10 I would just ask that if I have 11 asked a question, that you answer it before 12 we take a break. And if you don't know -- 13 if you don't understand a question I ask, if 14 you'd just tell me, I'll try to state it in 15 a better way. Is that fair? 16 A. Yes, sir. 17 <b>Q. What's the highest level of</b> 18 <b>schooling you have completed?</b> 19 A. Eleventh grade. 20 <b>Q. And where do you work now?</b> 21 A. Knauf Installation. 22 <b>Q. Could you spell that?</b> 23 A. K-N-A-U-F.</p>

2 (Pages 5 to 8)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 9</p> <p>1 <b>Q. What's your relationship with</b>  2 <b>Brian Bonner?</b>  3 A. I'm his uncle.  4 <b>Q. Your wife is his mother's sister;</b>  5 <b>is that right?</b>  6 A. Right.  7 <b>Q. How long have you been married to</b>  8 <b>his aunt?</b>  9 A. This time, three years, a little  10 over three years.  11 <b>Q. Were you married to her --</b>  12 A. Before.  13 <b>Q. -- before?</b>  14 A. Uh-huh.  15 <b>Q. How long that time?</b>  16 A. Six months.  17 <b>Q. Do you remember the dates when</b>  18 <b>that was? Sorry to put you on the spot.</b>  19 A. I'm thinking November the 14th of  20 2000 to somewhere in April of 2001. And  21 this time, we got married June 21st of 2004.  22 <b>Q. So you were not married to her at</b>  23 <b>the time of Brian's injury?</b></p>	<p style="text-align: right;">Page 11</p> <p>1 <b>and Brian going out shooting guns?</b>  2 A. Yes, sir.  3 <b>Q. You had shot guns with him before?</b>  4 A. Yes, sir.  5 <b>Q. What did you shoot? What kind of</b>  6 <b>guns?</b>  7 A. .270, .38, .357, 12 gauge, 20  8 gauge. That might be about it.  9 <b>Q. How often did you shoot guns with</b>  10 <b>him?</b>  11 A. Two or three times a year.  12 <b>Q. Was this before or after his</b>  13 <b>injury?</b>  14 A. Before.  15 <b>Q. Have you shot guns with him since</b>  16 <b>then?</b>  17 A. No, sir. I think he's been with  18 me when I shot mine at my house, but him not  19 shooting. He didn't shoot.  20 <b>Q. When you've shot guns with him,</b>  21 <b>how does he handle his gun? Is he real</b>  22 <b>gentle with them or just use it like a</b>  23 <b>regular tool? How would you describe the</b></p>
<p style="text-align: right;">Page 10</p> <p>1 A. No, sir.  2 <b>Q. What was your relationship with</b>  3 <b>her at the time of Brian's injury, if there</b>  4 <b>was any?</b>  5 A. Seeing each other on the side  6 maybe if you want to call it that.  7 <b>Q. Were you close with Brian before</b>  8 <b>you got married?</b>  9 A. Yes.  10 <b>Q. Did you know Brian before you got</b>  11 <b>married?</b>  12 A. Yes.  13 <b>Q. How often would you see him?</b>  14 A. Not everyday. But several times a  15 month maybe.  16 <b>Q. What kind of things would you do</b>  17 <b>when you were together? Was it just family</b>  18 <b>visiting?</b>  19 A. I knew his mama before I met my  20 wife. So we -- We also worked together.  21 And if I seen her out somewhere, he was  22 usually with her or whatever.  23 <b>Q. Did you ever do anything just you</b></p>	<p style="text-align: right;">Page 12</p> <p>1 <b>way he handles his guns?</b>  2 A. Around me, he was always pretty  3 safe because I always made sure that they  4 weren't pointed in any wrong directions or  5 anything. I always tried to promote gun  6 safety.  7 <b>Q. You said you own guns?</b>  8 A. Yes, sir.  9 <b>Q. What different kinds of guns do</b>  10 <b>you own? The same ones you just listed?</b>  11 A. I own the .270, the .38, the  12 .357. I don't own a 12 gauge or a 20  13 gauge. I own a SKS and a .22 magnum.  14 <b>Q. Why do you not own a 12 gauge or a</b>  15 <b>20 gauge?</b>  16 A. I never got the money to get one.  17 My wife kind of don't like it.  18 <b>Q. Do you hunt or shoot clays or</b>  19 <b>target shoot?</b>  20 A. I have shot clays. I ain't never  21 really hunted. I just like to shoot just to  22 shoot.  23 <b>Q. Just target shooting?</b></p>

3 (Pages 9 to 12)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 13</p> <p>1 A. Yes.</p> <p>2 <b>Q. About how often do you go shoot?</b></p> <p>3 A. Right now, only about two or three</p> <p>4 times a year in my back yard.</p> <p>5 <b>Q. Do you have a lot of room in your</b></p> <p>6 <b>back yard? How much land do you own?</b></p> <p>7 A. Five point two acres.</p> <p>8 <b>Q. Have you ever been taught basic</b></p> <p>9 <b>gun safety rules?</b></p> <p>10 A. Yes. One time when I was in boy</p> <p>11 scouts.</p> <p>12 <b>Q. What did they teach you?</b></p> <p>13 A. Basically not to point it at</p> <p>14 anybody. Don't carry a loaded gun. Don't</p> <p>15 point at nothing you don't want to shoot.</p> <p>16 <b>Q. Do you remember the date of</b></p> <p>17 <b>Brian's injury or rather the day of Brian's</b></p> <p>18 <b>injury? Do you remember what you were</b></p> <p>19 <b>doing?</b></p> <p>20 A. I know what I was doing. But I</p> <p>21 can't remember exactly what date it was.</p> <p>22 <b>Q. Does November 15th, 2003 sound</b></p> <p>23 <b>correct?</b></p>	<p style="text-align: right;">Page 15</p> <p>1 <b>Q. Did she call from her house or --</b></p> <p>2 A. I think she called me from a cell</p> <p>3 phone because she was on her way. I believe</p> <p>4 she was on the cell phone.</p> <p>5 <b>Q. On her way to the hospital?</b></p> <p>6 A. I think that's what she was doing.</p> <p>7 <b>Q. What did she tell you about what</b></p> <p>8 <b>happened?</b></p> <p>9 A. She was kind of hysterical. She</p> <p>10 told me Brian shot himself.</p> <p>11 <b>Q. Did she say anything about how it</b></p> <p>12 <b>happened or just --</b></p> <p>13 A. She just told me to go to the</p> <p>14 hospital.</p> <p>15 <b>Q. Did you go to the hospital?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. This is Lanier Memorial Hospital?</b></p> <p>18 A. Yes, sir.</p> <p>19 <b>Q. When you got to the hospital, did</b></p> <p>20 <b>you find out anything else about the</b></p> <p>21 <b>accident?</b></p> <p>22 A. Bobbie told me that she didn't see</p> <p>23 it. She just said she was over there with</p>
<p style="text-align: right;">Page 14</p> <p>1 A. I guess. I really don't know what</p> <p>2 day it was.</p> <p>3 <b>Q. Well, tell us --</b></p> <p>4 A. All I can tell you is that it was</p> <p>5 football season.</p> <p>6 <b>Q. And were you watching a game that</b></p> <p>7 <b>day?</b></p> <p>8 A. I was kind of watching the game.</p> <p>9 But I actually went to Wal-Mart and bought a</p> <p>10 gun safe that day. And he was supposed to</p> <p>11 be helping me move it in, but he didn't show</p> <p>12 up.</p> <p>13 <b>Q. What time of day was that; do you</b></p> <p>14 <b>remember?</b></p> <p>15 A. I'm thinking somewhere around 3:00</p> <p>16 or 4:00 in the afternoon.</p> <p>17 <b>Q. Where were you when Brian was</b></p> <p>18 <b>injured? When did you find out?</b></p> <p>19 A. I was at my house when I lived in</p> <p>20 Fairfax.</p> <p>21 <b>Q. How did you first hear about his</b></p> <p>22 <b>injury?</b></p> <p>23 A. Bobbie called me, my wife.</p>	<p style="text-align: right;">Page 16</p> <p>1 them and she walked away, worked on cleaning</p> <p>2 up the yard. Then she heard them start</p> <p>3 hollering and she ran over there and he had</p> <p>4 done shot himself.</p> <p>5 And she took her shirt off and</p> <p>6 wrapped it around his hand. She started</p> <p>7 hollering for Jim Knowles and Ralph Stewart</p> <p>8 to come out there.</p> <p>9 <b>Q. Were Jim and Ralph at the</b></p> <p>10 <b>hospital, also?</b></p> <p>11 A. Right.</p> <p>12 <b>Q. Did you talk to them about what</b></p> <p>13 <b>had happened?</b></p> <p>14 A. I talked to Jim. I don't get</p> <p>15 along too good with Ralph.</p> <p>16 <b>Q. What did you talk about with Jim?</b></p> <p>17 A. Basically how stupid it was.</p> <p>18 <b>Q. Do you remember what you said more</b></p> <p>19 <b>specifically?</b></p> <p>20 A. I really don't know. It's been a</p> <p>21 long time ago.</p> <p>22 <b>Q. Did you and Jim talk about going</b></p> <p>23 <b>to retrieve the shotgun?</b></p>

4 (Pages 13 to 16)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 17</p> <p>1 A. No. I asked about where they 2 were. And they told me they were still 3 laying on the ground because they threw them 4 down. And I told them I'd go pick them up 5 because I didn't want nobody else to pick 6 them up. 7 <b>Q. When you said they threw them 8 down, who are you talking about?</b> 9 A. Brian and BJ. 10 <b>Q. Did they throw them down when the 11 accident happened?</b> 12 A. Right. I had to walk out into the 13 -- on the trail to pick it up. 14 <b>Q. You say out on a trail. Was it in 15 the woods?</b> 16 A. Not really in the woods. It was 17 like a little empty lot with not really many 18 trees on it, just shrubbery. And they had a 19 little trail going in between there. 20 <b>Q. What time of day did you go back 21 and get the gun?</b> 22 A. 5:30, 6:00, somewhere in there. 23 <b>Q. Was it still light outside?</b></p>	<p style="text-align: right;">Page 19</p> <p>1 A. I know one of them was a .270. 2 Then there was a -- that particular gun. 3 And then I can't remember what the other one 4 was. 5 <b>Q. The one in the accident was a 12 6 gauge?</b> 7 A. Yes, sir. I believe it was a 12 8 gauge. 9 <b>Q. You say you took them back in your 10 house?</b> 11 A. Right. 12 <b>Q. And put them in the gun safe?</b> 13 A. Uh-huh. 14 MR. HIGLEY: That would be yes? 15 THE WITNESS: Yes. 16 MR. HIGLEY: So she can take it 17 down. I appreciate it. 18 <b>Q. Anything strange happen with the 19 guns between --</b> 20 A. Yes, sir. 21 <b>Q. Tell us about that.</b> 22 A. When I took them out from behind 23 the seat, walked up my steps, before I could</p>
<p style="text-align: right;">Page 18</p> <p>1 A. Yes, sir, it was still daylight. 2 <b>Q. What did the gun look like when 3 you got it? Was it all in one piece?</b> 4 A. Yes, sir. 5 <b>Q. It was just laying on the ground?</b> 6 A. Yes, sir. 7 <b>Q. So when you first saw it, you 8 didn't notice anything strange about the way 9 it looked?</b> 10 A. Other than one shell hanging 11 halfway out the chamber, that was it. 12 <b>Q. You said the shell was hanging 13 halfway out the chamber?</b> 14 A. Right. 15 <b>Q. What did you do with the gun when 16 you picked it up?</b> 17 A. I put it behind the seat of my 18 pickup. 19 <b>Q. And then what?</b> 20 A. There was actually three guns out 21 there. I picked them all up and took them 22 to my house and put them in the safe. 23 <b>Q. What were the three guns?</b></p>	<p style="text-align: right;">Page 20</p> <p>1 get in the front door, the whole barrel fell 2 off the gun. 3 <b>Q. So this is while you were walking 4 up the front steps you say?</b> 5 A. After I got up the steps on the 6 porch and unlocked the door, when I was 7 walking through the door, the barrel fell 8 off. So I just picked it up and kind of 9 mangled it back together and stuck it in the 10 safe. 11 <b>Q. When you first picked up the 12 12 gauge, did you notice that the barrel was 13 loose or anything?</b> 14 A. I didn't really pay too much 15 attention to it. 16 <b>Q. When you put it in your truck, did 17 you lay it down or did you just kind of 18 throw the guns in the back?</b> 19 A. No. I had to lay them down 20 because I had a lot of junk in the back of 21 -- behind my seat. 22 <b>Q. Did anything else fall off the 23 gun?</b></p>

5 (Pages 17 to 20)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 21</p> <p>1 A. Not that I know of.</p> <p>2 <b>Q. Did you drop the gun --</b></p> <p>3 A. No, sir.</p> <p>4 <b>Q. -- walking up the stairs? When</b></p> <p>5 <b>you picked it back up, did you put it back</b></p> <p>6 <b>together?</b></p> <p>7 A. I just kind of pushed the barrel</p> <p>8 back on it and stuck it in the safe.</p> <p>9 <b>Q. Did you inspect the gun or</b></p> <p>10 <b>disassemble it after that?</b></p> <p>11 A. No, sir.</p> <p>12 <b>Q. How long did you have possession</b></p> <p>13 <b>of the gun?</b></p> <p>14 A. Maybe a month and a half, if that</p> <p>15 long.</p> <p>16 <b>Q. And then who had it?</b></p> <p>17 A. I gave it to Jim Knowles.</p> <p>18 <b>Q. Do you know where he kept it?</b></p> <p>19 A. No, sir.</p> <p>20 <b>Q. Did anyone, including you, use it</b></p> <p>21 <b>or fire it or try to inspect it?</b></p> <p>22 A. I never seen -- I never shot the</p> <p>23 gun before that day and I never tried to. I</p>	<p style="text-align: right;">Page 23</p> <p>1 A. There was a lot of folks there. I</p> <p>2 think the other -- Aunt Lisa was there, Cody</p> <p>3 was there, Brian's brother.</p> <p>4 There was a few other people</p> <p>5 there, but nobody that really stood out as</p> <p>6 far as having a conversation with.</p> <p>7 <b>Q. And you didn't find out what</b></p> <p>8 <b>happened other than that Brian had shot his</b></p> <p>9 <b>hand?</b></p> <p>10 A. That's it. They said -- They told</p> <p>11 me that it had jammed or something. But I'm</p> <p>12 not -- I wasn't there to verify whether or</p> <p>13 not it did or not.</p> <p>14 <b>Q. Did anybody tell you what happened</b></p> <p>15 <b>after it jammed?</b></p> <p>16 A. All I know was that Brian was</p> <p>17 trying to unjam it.</p> <p>18 <b>Q. Did they tell you what he was</b></p> <p>19 <b>trying to do to unjam it?</b></p> <p>20 A. No, sir.</p> <p>21 <b>Q. Do you still see Brian regularly</b></p> <p>22 <b>since his injury?</b></p> <p>23 A. All the time.</p>
<p style="text-align: right;">Page 22</p> <p>1 never even tried to look and see how to put</p> <p>2 it back together. I just stuck it in the</p> <p>3 safe and gave it to him like it was.</p> <p>4 <b>Q. Had you ever seen Brian or anyone</b></p> <p>5 <b>else use the gun before --</b></p> <p>6 A. No, sir.</p> <p>7 <b>Q. -- that day? Did you ever talk to</b></p> <p>8 <b>Jim or anyone else about what may have</b></p> <p>9 <b>happened?</b></p> <p>10 A. No. Because I'm not a gun smith.</p> <p>11 So I really don't know that much about</p> <p>12 putting them together or taking them apart</p> <p>13 or inner functions of the guns.</p> <p>14 <b>Q. Have you seen the gun since you</b></p> <p>15 <b>gave it to Jim?</b></p> <p>16 A. No, sir.</p> <p>17 <b>Q. When you were at the hospital, did</b></p> <p>18 <b>you talk to Brian?</b></p> <p>19 A. No, sir.</p> <p>20 <b>Q. Did you see him at all?</b></p> <p>21 A. No, sir.</p> <p>22 <b>Q. So the only people you talked to</b></p> <p>23 <b>at the hospital were Bobbie and Jim?</b></p>	<p style="text-align: right;">Page 24</p> <p>1 <b>Q. All the time. About how often?</b></p> <p>2 A. How many days a month or how many</p> <p>3 days he stays every time he comes over?</p> <p>4 <b>Q. Does he stay at your house a lot?</b></p> <p>5 A. Sometimes he'll come over and stay</p> <p>6 a day or two and he'll go back to his</p> <p>7 apartment.</p> <p>8 <b>Q. Have you discussed the accident</b></p> <p>9 <b>with him?</b></p> <p>10 A. Not very often.</p> <p>11 <b>Q. When you have discussed it, what</b></p> <p>12 <b>have you talked about?</b></p> <p>13 A. Basically I tell -- It's bad. But</p> <p>14 I'm going to tell you anyway. I just told</p> <p>15 him how stupid he was for actually shooting</p> <p>16 himself.</p> <p>17 <b>Q. What does he say about that?</b></p> <p>18 A. He laughs and shoots me a bird</p> <p>19 with his one finger that sticks up.</p> <p>20 <b>Q. Has he ever given you any details</b></p> <p>21 <b>about what happened, what he was trying to</b></p> <p>22 <b>do to unjam the gun or anything?</b></p> <p>23 A. No, sir.</p>

6 (Pages 21 to 24)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 25</p> <p>1 <b>Q. Have you talked to anyone else</b>  2 <b>about the accident since it happened?</b>  3 A. No, sir. Not until I got this  4 paper here. Me and my wife say a few words  5 about it.  6 <b>Q. What did y'all talk about?</b>  7 A. Other than what we had to do with  8 picking up kids and having to go to work and  9 stuff like that.  10 <b>Q. Just making arrangements?</b>  11 A. Right. And actually Brian didn't  12 even know we had gotten them papers until he  13 came over last weekend.  14 <b>Q. Did y'all talk about what was</b>  15 <b>going to be said here?</b>  16 A. No sir.  17 <b>Q. Have you given a statement to</b>  18 <b>anyone about this case or about the</b>  19 <b>accident, whether it's to the police, to</b>  20 <b>lawyers, anybody?</b>  21 A. One time I think over at Jim's  22 house. I can't remember if you were there.  23 I think it was -- and one other guy. I</p>	<p style="text-align: right;">Page 27</p> <p>1 A. That's it.  2 MR. MATHIS: I may be just about  3 done if you want to go ahead.  4 EXAMINATION BY MR. HIGEY:  5 <b>Q. Mr. Dennis, what's the address for</b>  6 <b>Knauf Installation?</b>  7 A. I really don't know. I know it's  8 in Hughley Industrial Park. But as far as a  9 physical address, I just look it up in the  10 phone book whenever I need it.  11 <b>Q. What shift do you work over there?</b>  12 A. Second shift, which is from -- my  13 shift is from 7:30 at night to eight o'clock  14 in the morning. That's not every day. It's  15 like work three days, off three days, work  16 four days, off four days.  17 <b>Q. What's your position at that</b>  18 <b>company?</b>  19 A. Foreman technician.  20 <b>Q. Foreman technician?</b>  21 A. Yes, sir.  22 <b>Q. Does Ms. Alena Knowles still work</b>  23 <b>there?</b></p>
<p style="text-align: right;">Page 26</p> <p>1 don't know who that -- a lawyer or -- I  2 don't know.  3 <b>Q. Was it an oral statement or a</b>  4 <b>written statement?</b>  5 A. Talk. Oral.  6 <b>Q. Like this?</b>  7 A. I think that's what it was.  8 <b>Q. Do you remember what you said?</b>  9 A. Basically the same thing.  10 <b>Q. Anything different that you can</b>  11 <b>remember?</b>  12 A. No, sir.  13 <b>Q. Have you talked to anyone about</b>  14 <b>this lawsuit? Did you ever talk to Jim or</b>  15 <b>Brian's mom or Bobbie --</b>  16 A. No, sir.  17 <b>Q. -- or anyone about this lawsuit?</b>  18 <b>What did you do to prepare for this</b>  19 <b>deposition other than make arrangements for</b>  20 <b>the kids?</b>  21 A. That's it.  22 <b>Q. Didn't talk to anyone about it</b>  23 <b>other than Bobbie?</b></p>	<p style="text-align: right;">Page 28</p> <p>1 A. As a mechanic.  2 <b>Q. Now, what was your Fairfax address</b>  3 <b>back in November of 2003?</b>  4 A. 503 Wellington Street.  5 <b>Q. What's the zip code on that?</b>  6 A. 36854. Everybody calls it  7 Fairfax, but it was all a bunch of small  8 towns that converted in the valley.  9 <b>Q. And at the time of this accident,</b>  10 <b>November 2003, what was Bobbie's address</b>  11 <b>where this happened?</b>  12 A. She lived -- I don't know the  13 actual street address. But it was right  14 across from Knauf Installation in the  15 industrial park.  16 <b>Q. That's not where you live now?</b>  17 A. No, sir.  18 <b>Q. At the time, she was married to</b>  19 <b>Ralph Stewart?</b>  20 A. No, she was not married.  21 <b>Q. She was not married at the time?</b>  22 A. She was living there, but she  23 wasn't married.</p>

7 (Pages 25 to 28)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

## FREEDOM COURT REPORTING

Page 29

1 **Q. Whose house was it?**  
 2 A. Ralph Stewart's house.  
 3 **Q. Okay. When did she move out of**  
 4 **that address?**  
 5 A. March of 2004.  
 6 **Q. Is that when she married you?**  
 7 A. No, sir. We married in June.  
 8 **Q. Now, Ralph doesn't live here**  
 9 **anymore, does he?**  
 10 A. North Carolina.  
 11 **Q. Is BJ kin to Ralph?**  
 12 A. BJ's sister is married to Ralph's  
 13 son.  
 14 **Q. BJ -- You didn't ever ask, but BJ**  
 15 **was with me when I picked the guns up.**  
 16 **Q. I was getting there. So Ralph's**  
 17 **son's sister's --**  
 18 A. Wife. Ralph's son is Jason.  
 19 **Q. Jason Stewart, who's married to**  
 20 **Felicia?**  
 21 A. Felicia. Which is BJ's sister.  
 22 **Q. So Felicia is Alena's daughter?**  
 23 A. No.

Page 30

1 **Q. I'm sorry.**  
 2 A. Felicia used to be Sadler. She  
 3 was -- Her mom was -- She was a Sadler or  
 4 whatever her last name is now.  
 5 **Q. I'm catching on here. Where do**  
 6 **Jason and Felicia live now?**  
 7 A. Felicia moved back about two or  
 8 three weeks ago from North Carolina. Jason  
 9 is still living in North Carolina.  
 10 **Q. Are they separated?**  
 11 A. I really don't know. That's in  
 12 the dark right now.  
 13 **Q. So Felicia is back here?**  
 14 A. Correct.  
 15 **Q. And Jason and Ralph and BJ are in**  
 16 **North Carolina?**  
 17 A. In North Carolina.  
 18 **Q. All right. Now, the day of the**  
 19 **accident, you learned about it at your**  
 20 **house?**  
 21 A. Correct.  
 22 **Q. You went to the hospital?**  
 23 A. Correct.

Page 31

1 **Q. Did you talk to BJ at the**  
 2 **hospital?**  
 3 A. Not a whole lot. But I did talk  
 4 to him.  
 5 **Q. Did you and BJ go from the**  
 6 **hospital to Bobbie's place?**  
 7 A. I told BJ to ride with me so he  
 8 could point out where they were.  
 9 **Q. All right. So BJ rode with you?**  
 10 A. Right.  
 11 **Q. Did anyone else ride with you?**  
 12 A. That's it.  
 13 **Q. All right. You rode in the pickup**  
 14 **truck?**  
 15 A. Yes, sir.  
 16 **Q. What kind of pickup truck are we**  
 17 **talking about?**  
 18 A. Old. I think it was a '79 GMC.  
 19 Had rust spots on the sides.  
 20 **Q. So it's a two-door pickup truck?**  
 21 A. Yes, sir.  
 22 **Q. With a little bit of room behind**  
 23 **the seats?**

Page 32

1 A. Yes, sir. Folded the seat up.  
 2 **Q. All right. How long did it take**  
 3 **to get from the hospital to Bobbie's place?**  
 4 A. Maybe ten minutes.  
 5 **Q. Was it dark by then?**  
 6 A. No.  
 7 **Q. So it was still daylight?**  
 8 A. Correct.  
 9 **Q. All right. And in that ride over**  
 10 **to Bobbie's place, did you and BJ talk about**  
 11 **what had happened?**  
 12 A. BJ was kind of shook up. So he  
 13 didn't really say a whole lot about it. He  
 14 just said he didn't know -- if I remember  
 15 correctly, he really didn't have a whole lot  
 16 to say about it. He was just trying to, I  
 17 guess, put it together in his mind because  
 18 they was still kind of young then.  
 19 **Q. BJ was about how old at that time?**  
 20 A. I'm thinking he was like eleven or  
 21 twelve, somewhere in there.  
 22 **Q. And how old was Brian?**  
 23 A. I think he was -- he's nineteen

8 (Pages 29 to 32)

367 VALLEY AVENUE  
 (205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 33</p> <p>1 now. So that would put him sixteen maybe.  2 <b>Q. This is 2003.</b>  3 A. Four years ago. Somewhere in that  4 age.  5 <b>Q. All right. So you didn't ask BJ</b>  6 <b>on the ride over, BJ, what happened?</b>  7 A. I asked him. But he really  8 couldn't give me no straight forward  9 answer. He was just kind of babbling on.  10 <b>Q. All right. Tell me what he was</b>  11 <b>able to tell you.</b>  12 A. He said something about it being  13 jammed and Brian was trying to unjam it.  14 But I couldn't really make out what he was  15 saying because he was just -- his whole body  16 was shaking. He did dump out all the extra  17 shells he had in his pocket.  18 <b>Q. While he was with you in the</b>  19 <b>pickup?</b>  20 A. Yes. He said he had them in his  21 pocket when they were shooting. I told him  22 to just lay them in the seat so that way he  23 wouldn't be worried about them.</p>	<p style="text-align: right;">Page 35</p> <p>1 <b>by the asphalt, tell me what kind of fire</b>  2 <b>arms they were.</b>  3 A. One was a .270. And the other  4 one, I can't remember what it was. It was a  5 rifle.  6 <b>Q. What did you do after you got out</b>  7 <b>of the truck?</b>  8 A. Picked them up and put them in the  9 truck.  10 <b>Q. Did you pick -- Which gun did you</b>  11 <b>pick up first?</b>  12 A. The two laying beside the road.  13 <b>Q. What did you do with them when you</b>  14 <b>picked them up?</b>  15 A. Put them behind the seat of my  16 truck.  17 <b>Q. So you got out of your truck, you</b>  18 <b>went to those two guns and picked them up</b>  19 <b>and then put them in your truck?</b>  20 A. Correct.  21 <b>Q. And this was all before you went</b>  22 <b>to get the shotgun we're talking about?</b>  23 A. Right.</p>
<p style="text-align: right;">Page 34</p> <p>1 <b>Q. So y'all got out at Bobbie's</b>  2 <b>property?</b>  3 A. Right.  4 <b>Q. And where did you park your truck?</b>  5 A. It was a cul-de-sac. So I just  6 parked right on the side of the road.  7 <b>Q. You were on the pavement?</b>  8 A. Yes, sir.  9 <b>Q. And you and BJ got out?</b>  10 A. No. BJ didn't get out.  11 <b>Q. BJ stayed in the truck?</b>  12 A. Correct.  13 <b>Q. Why didn't BJ get out?</b>  14 A. I don't know. We weren't there  15 but like five seconds.  16 <b>Q. Well, I thought he was going to</b>  17 <b>show you where the guns were.</b>  18 A. Well, he just pointed over there.  19 There was two laying right beside the  20 asphalt and the other one was on the trail.  21 It was probably maybe seventy-five foot off  22 the road.  23 <b>Q. Okay. So the two that were laying</b></p>	<p style="text-align: right;">Page 36</p> <p>1 <b>Q. Had you ever seen that shotgun</b>  2 <b>before this day, the one that brings us here</b>  3 <b>today?</b>  4 A. I had seen it before. But that  5 was it.  6 <b>Q. You had never shot it?</b>  7 A. No, sir.  8 <b>Q. Had you ever watched Brian shoot</b>  9 <b>it?</b>  10 A. No.  11 <b>Q. Have you ever watched anyone shoot</b>  12 <b>it?</b>  13 A. No.  14 <b>Q. And then you went out to where the</b>  15 <b>shotgun was?</b>  16 A. Yes.  17 <b>Q. Did you see it from the road?</b>  18 A. No, sir.  19 <b>Q. All right. How did you find it?</b>  20 A. BJ told me it was on that trail  21 right there. So I walked over there and it  22 was laying right there on the trail. You  23 couldn't miss it.</p>

9 (Pages 33 to 36)

## FREEDOM COURT REPORTING

Page 37

1 **Q. Now, I'm going to ask you some**  
 2 **details about the scene when you got there.**  
 3 **You say it was on a trail. Was this like a**  
 4 **dirt trail?**  
 5 A. Yes, sir. About maybe a foot and  
 6 a half wide.  
 7 **Q. Was it one of those trails that's**  
 8 **just worn down from people walking on it for**  
 9 **years?**  
 10 A. Yes, sir.  
 11 **Q. And you're saying the shotgun was**  
 12 **laying on the trail?**  
 13 A. Yes, sir.  
 14 **Q. Do you recall what that -- the**  
 15 **color of that shotgun was?**  
 16 A. It was a camouflage color.  
 17 Different -- tan, green, brown maybe.  
 18 **Q. All right. And what was the**  
 19 **position of the gun on the ground?**  
 20 A. If I'm walking down the trail, the  
 21 stock part of it was kind of not so much on  
 22 the dirt and the barrel of it was more on  
 23 the dirt than the rest of it.

Page 38

1 **Q. Okay. Which end was closer, the**  
 2 **stock or the barrel?**  
 3 A. The stock.  
 4 **Q. Was the barrel facing away from**  
 5 **you?**  
 6 A. Yes, sir.  
 7 **Q. All right. If you can, as you're**  
 8 **approaching the gun, was it facing away to**  
 9 **your right, to your left or straight ahead?**  
 10 A. Facing away to the right.  
 11 **Q. All right. So the stock would**  
 12 **have been coming to you from the -- toward**  
 13 **the left?**  
 14 A. Yes, sir.  
 15 **Q. Which of the sides of the gun was**  
 16 **facing up?**  
 17 A. The right side where the shells go  
 18 in and discharge from was on top.  
 19 **Q. All right. And you said you**  
 20 **observed a shell sticking out of the ejector**  
 21 **port?**  
 22 A. Yes, sir.  
 23 **Q. Do you recall the color of that**

Page 39

1 **shell?**  
 2 A. Red.  
 3 **Q. It was a red casing?**  
 4 A. Yes, sir.  
 5 **Q. And did you notice any scuff**  
 6 **marks, scratches --**  
 7 A. I didn't.  
 8 **Q. -- on the gun?**  
 9 A. I didn't notice any.  
 10 **Q. All right. As you approached the**  
 11 **gun, what did you do?**  
 12 A. Walked and looked down there and  
 13 picked it up.  
 14 **Q. Did you take a moment and look at**  
 15 **it before you picked it up?**  
 16 A. No, sir.  
 17 **Q. All right. Where did you grab the**  
 18 **gun when you picked it up?**  
 19 A. I can't be for sure, but I think I  
 20 just grabbed it in the middle.  
 21 **Q. You're saying you grabbed it on**  
 22 **the receiver or the action or are you saying**  
 23 **you grabbed it on the stock?**

Page 40

1 A. Probably in between the action and  
 2 the barrel, just right in the middle of it.  
 3 **Q. All right. So are you saying you**  
 4 **actually grabbed it where the barrel and the**  
 5 **magazine come together?**  
 6 A. I believe so.  
 7 **Q. Okay. So you didn't grab it at**  
 8 **the stock?**  
 9 A. I don't think I did.  
 10 **Q. All right. It sounds like you're**  
 11 **not a hundred percent sure.**  
 12 A. I'm not a hundred percent sure  
 13 because it was a long time ago. I was just  
 14 in a hurry to pick it up.  
 15 **Q. That's fair enough. And I just**  
 16 **want you to tell me what you can recall. If**  
 17 **you can't recall, that's fair enough to tell**  
 18 **me you can't recall. I'd rather you tell me**  
 19 **that than to guess.**  
 20 **But as best you can remember, you**  
 21 **picked it up grabbing the magazine and the**  
 22 **barrel?**  
 23 A. Yes, sir.

10 (Pages 37 to 40)

## FREEDOM COURT REPORTING

Page 41

1 Q. Are you right-handed or  
2 left-handed?  
3 A. I'm right-handed.  
4 Q. Do you remember which hand you  
5 used to grab it with?  
6 A. No, sir.  
7 Q. Now, this shell casing that was  
8 half ejected, you said it was sticking out  
9 of the ejector port. Did you pull it out?  
10 A. Yes, sir, I did.  
11 Q. There at the scene?  
12 A. I think I did.  
13 Q. Did you pull it out before or  
14 after you picked up the gun?  
15 A. After.  
16 Q. All right. So you picked the gun  
17 up and you pulled out the gun casing?  
18 A. Yes, sir.  
19 Q. Did you do anything else with the  
20 gun at that time?  
21 A. I just made sure it wasn't loaded.  
22 Q. So you examined the gun, you  
23 looked in the ejector port down the barrel

Page 42

1 to see if there was a shell in there?  
2 A. Yes, sir.  
3 Q. And you looked in the magazine to  
4 see if there was anything in the magazine?  
5 A. Well, when you look in that part  
6 of it, if there's another one ready to go  
7 into the chamber, then you would see it  
8 sitting there.  
9 Q. Did you observe whether the safety  
10 was on or off?  
11 A. I didn't look.  
12 Q. So you didn't look to turn it off  
13 if -- excuse me -- to turn the safety on if  
14 it had been off?  
15 A. I didn't look.  
16 Q. Okay. Once you picked the gun up  
17 and while you're still there in the field,  
18 did you look the gun over?  
19 A. No, sir.  
20 Q. Okay. And what was your next step  
21 then?  
22 A. I looked on the ground to see if  
23 there was some blood on the ground.

Page 43

1 Q. What did you see?  
2 A. Nothing.  
3 Q. Okay. Saw no blood?  
4 A. No, sir.  
5 Q. What else did you do there while  
6 at the scene?  
7 A. Nothing. I turned around and went  
8 back to the truck and put it in the truck  
9 and got in.  
10 Q. Okay. So you walked back to the  
11 truck with it in your right hand?  
12 A. I don't know.  
13 Q. When you got to the truck, did you  
14 put it in from the driver's side?  
15 A. Yes, sir.  
16 Q. All right. Did you have any words  
17 with BJ as you were putting it in?  
18 A. No, sir.  
19 Q. Did he indicate any interest in  
20 looking at the gun while you were putting it  
21 in?  
22 A. No, sir.  
23 Q. Did you put it in stock first or

Page 44

1 barrel first?  
2 A. Barrel first.  
3 Q. And you laid it in what position  
4 in the truck?  
5 A. I lifted -- eased the seat up and  
6 I held it back by the stock and laid it in  
7 the truck. And at the time I laid it in  
8 there, it was up, you know -- I don't know  
9 what the word to use for it. The top was on  
10 the top and the bottom was on the bottom. I  
11 didn't lay it down sideways.  
12 Q. It was straight up and down?  
13 A. No.  
14 MR. HODGE: He's saying the  
15 trigger was on the bottom.  
16 A. Right.  
17 Q. The trigger was on the bottom?  
18 A. Right. I just laid it in like you  
19 would be holding it. It wasn't laying on  
20 its side.  
21 Q. All right. And what was it laying  
22 on?  
23 A. The other two guns.

11 (Pages 41 to 44)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 45</p> <p>1 <b>Q. Okay.</b></p> <p>2 A. There was numerous -- maybe a</p> <p>3 jacket, junk, cups or whatever behind the</p> <p>4 seat.</p> <p>5 <b>Q. Those other two guns, when you</b></p> <p>6 <b>first picked them up, did you check to see</b></p> <p>7 <b>if their chambers were empty?</b></p> <p>8 A. No, I didn't.</p> <p>9 <b>Q. Okay. So they could have been</b></p> <p>10 <b>loaded, you don't know?</b></p> <p>11 A. Could have been.</p> <p>12 <b>Q. The shell casing that you pulled</b></p> <p>13 <b>out of the gun --</b></p> <p>14 A. Yes, sir.</p> <p>15 <b>Q. -- what did you do with it?</b></p> <p>16 A. Put it in the safe.</p> <p>17 <b>Q. All right. So in carrying it back</b></p> <p>18 <b>to the truck and then from the truck to your</b></p> <p>19 <b>house, did you have it in any coat pocket or</b></p> <p>20 <b>a pant's pocket?</b></p> <p>21 A. I had it sitting in the seat with</p> <p>22 the shells that BJ threw out in the seat.</p> <p>23 <b>Q. And then you put it in the safe</b></p>	<p style="text-align: right;">Page 47</p> <p>1 first.</p> <p>2 <b>Q. But at some point you went back to</b></p> <p>3 <b>the hospital?</b></p> <p>4 A. Yes, sir.</p> <p>5 <b>Q. Do you recall whether you had put</b></p> <p>6 <b>the guns in your safe before you went back</b></p> <p>7 <b>to the hospital?</b></p> <p>8 A. I really can't recall.</p> <p>9 <b>Q. Did anyone look at that gun before</b></p> <p>10 <b>you put it in your safe?</b></p> <p>11 A. No.</p> <p>12 <b>Q. You were the last person to have</b></p> <p>13 <b>the gun before it went in your safe?</b></p> <p>14 A. Correct.</p> <p>15 <b>Q. Okay. So when you were taking the</b></p> <p>16 <b>gun into your house, do you recall whether</b></p> <p>17 <b>BJ was with you?</b></p> <p>18 A. I don't remember if he was at my</p> <p>19 house with me. If he was, he didn't get out</p> <p>20 of the truck because I was by myself when I</p> <p>21 went up the steps.</p> <p>22 <b>Q. So you get to your house and</b></p> <p>23 <b>you're going to take the gun -- the three</b></p>
<p style="text-align: right;">Page 46</p> <p>1 <b>when you got home?</b></p> <p>2 A. Yes, sir.</p> <p>3 <b>Q. Did you turn those over to Jim</b></p> <p>4 <b>Knowles?</b></p> <p>5 A. Yes. I gave him the empty shell.</p> <p>6 I didn't give him the one that hadn't been</p> <p>7 fired.</p> <p>8 <b>Q. All right. You gave him the one</b></p> <p>9 <b>empty shell?</b></p> <p>10 A. Correct.</p> <p>11 <b>Q. All right. And that's the last</b></p> <p>12 <b>time you've seen that shell?</b></p> <p>13 A. Yes, sir.</p> <p>14 <b>Q. Now, on the drive back from</b></p> <p>15 <b>Bobbie's house, you went to your house?</b></p> <p>16 A. Yes, sir.</p> <p>17 <b>Q. Did you stop anywhere in between?</b></p> <p>18 A. I'm going to have to say I'm not</p> <p>19 sure. I'm can't remember if I dropped BJ</p> <p>20 off at the hospital before I went back to my</p> <p>21 house or if I went to my house and then went</p> <p>22 back to the hospital. It was one or the</p> <p>23 other. But I ain't real sure which one came</p>	<p style="text-align: right;">Page 48</p> <p>1 <b>guns into --</b></p> <p>2 A. I put all three of them into the</p> <p>3 safe.</p> <p>4 <b>Q. Tell me what kind of house you</b></p> <p>5 <b>were living in at the time. Was it a ranch,</b></p> <p>6 <b>a --</b></p> <p>7 A. It was a mill house.</p> <p>8 <b>Q. A mill house?</b></p> <p>9 A. It's hard to describe. But it's a</p> <p>10 cotton mill house.</p> <p>11 <b>Q. All right. And you have a few</b></p> <p>12 <b>steps to get up to your porch?</b></p> <p>13 A. There was a -- At this particular</p> <p>14 house, the driveway was in the back. And</p> <p>15 I'm thinking there was seven steps to get up</p> <p>16 to the porch. And then there was a screen</p> <p>17 door at the top of the steps.</p> <p>18 You walk in on a little screen</p> <p>19 porch. And then the back door was right</p> <p>20 there.</p> <p>21 <b>Q. Okay.</b></p> <p>22 A. So when I opened up the back door</p> <p>23 and started to go through the door is when</p>

12 (Pages 45 to 48)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

## FREEDOM COURT REPORTING

Page 49

1 it fell off.

2 **Q. Okay. Are those wood or concrete**  
3 **steps?**

4 A. Wood.

5 **Q. Now, when you pulled the -- When**  
6 **you got to your house and were pulling the**  
7 **gun out of the truck, did you get all three**  
8 **of them out at once?**

9 A. No, I don't think I did. I'm  
10 pretty sure I got them out -- I got that one  
11 out by itself.

12 **Q. You're talking about the shotgun?**

13 A. Correct.

14 **Q. All right.**

15 A. I got that one by itself because I  
16 opened up the door with my right hand and I  
17 had it in my left. And when I went through  
18 the door, it fell off.

19 **Q. Okay. So the only gun you were**  
20 **holding at the time you were holding the**  
21 **shotgun was the shotgun? In other words,**  
22 **you didn't have the other two guns in your**  
23 **hand --**

Page 50

1 A. No, sir.

2 **Q. -- when you were walking in the**  
3 **house?**

4 A. No.

5 **Q. And you said you were opening that**  
6 **screen door and that --**

7 A. No. I was opening up -- I opened  
8 up the screen door which was already on the  
9 porch.

10 **Q. Okay.**

11 A. Opening up the back door, the  
12 exterior door of the house, is when it fell  
13 off.

14 **Q. All right. And it's your**  
15 **recollection that you had the shotgun in**  
16 **your left hand?**

17 A. I know it was in my left.

18 **Q. How were you holding it in your**  
19 **left hand? What part of the gun were you**  
20 **holding?**

21 A. Where the barrel meets the -- all  
22 the action there. I was holding it right  
23 there kind of --

Page 51

1 **Q. With the stock up under your arm?**

2 A. Kind of like that right there  
3 (indicating). I opened up the door because  
4 it opened from this way inwards. And then  
5 it fell off.

6 **Q. So you had the stock up under your**  
7 **left arm and you were holding or cradling**  
8 **the action right in front of the trigger in**  
9 **your left hand?**

10 A. Correct.

11 **Q. And so the barrel of the gun was**  
12 **pointed toward the floor. And as you were**  
13 **opening the door, what happened to the**  
14 **barrel?**

15 A. It fell off.

16 **Q. Okay. Describe for me how it fell**  
17 **off.**

18 A. It fell to the floor. I mean, I  
19 didn't see any little pieces falling  
20 anywhere. All I seen was the barrel -- I  
21 was looking at the door going in the door.  
22 And when I looked down, the barrel had  
23 already flipped over halfway and it just

Page 52

1 flipped right on to the floor.

2 **Q. And the barrel actually fell**  
3 **entirely out of the receiver?**

4 A. Correct.

5 **Q. Again, we like to ask obvious**  
6 **questions, so bear with me here. What did**  
7 **you do right then when it fell on the floor?**

8 A. I picked it up.

9 **Q. All right. Did you grab the**  
10 **barrel with your right hand?**

11 A. I believe I did.

12 **Q. Right. Did you look at it to see**  
13 **why it fell off?**

14 A. I really wasn't interested in it  
15 because I was in a hurry.

16 **Q. Sure. But did you say that you**  
17 **tried to put the barrel back in the**  
18 **receiver?**

19 A. I just kind of set it back in  
20 there enough for it -- it was still wobbly  
21 when I put it back on there. I just kind of  
22 stuffed it back on there and stuffed it in  
23 the safe like it was.

13 (Pages 49 to 52)

## FREEDOM COURT REPORTING

Page 53

1 **Q. Now, you know what the barrel**  
 2 **guide ring is on the barrel?**  
 3 A. No, sir, I don't.  
 4 MR. HIGLEY: Can we take a break?  
 5 I'm going to go get my gun if that's all  
 6 right.  
 7 MR. HODGE: Okay.  
 8 (Whereupon, a short recess was  
 9 taken.)  
 10 **Q. Mr. Dennis, I have here an example**  
 11 **of a shotgun. And I assume it probably**  
 12 **looks somewhat familiar, the basic color and**  
 13 **shape and model of the gun in terms of what**  
 14 **you saw that day?**  
 15 A. Well, his was camouflage.  
 16 **Q. Okay.**  
 17 A. His looked a little bit shorter  
 18 than that. But it might have been about the  
 19 same length.  
 20 **Q. And just for the record, this one**  
 21 **here is a solid flat black?**  
 22 A. Right. It looks like that way.  
 23 **Q. All right. Now, when I asked you**

Page 54

1 **about the barrel guide ring -- This here is**  
 2 **the barrel, Mr. Dennis, and this is what we**  
 3 **call the barrel guide ring right here.**  
 4 A. Okay.  
 5 **Q. And you can see how when I put the**  
 6 **barrel on, that barrel guide ring is in**  
 7 **theory -- there we go. You see this gun is**  
 8 **not loaded; correct?**  
 9 A. That's correct.  
 10 **Q. And it's not being pointed at**  
 11 **you. I'm pointing it over at the wall;**  
 12 **right?**  
 13 A. Right.  
 14 **Q. And then this is a little locking**  
 15 **cap. See how that screws on?**  
 16 A. Yes, sir.  
 17 **Q. All right. Now, when you were**  
 18 **walking in your house and this barrel came**  
 19 **off and you went to put it back on, did you**  
 20 **have to pick up this locking nut?**  
 21 A. No, sir, I didn't.  
 22 **Q. Okay. So you're saying this**  
 23 **locking nut was still on the magazine tube?**

Page 55

1 A. I can't say it was on there. But  
 2 I know I didn't pick it up.  
 3 **Q. Okay. At any point subsequent to**  
 4 **that moment, you know, after you put it in**  
 5 **the safe, after you got it back out of the**  
 6 **safe, do you ever remember seeing this?**  
 7 A. No, sir. I don't recall seeing  
 8 it. I didn't look for it.  
 9 **Q. When you put the barrel back --**  
 10 **You said you tried to put the barrel back**  
 11 **into this receiver after it fell off?**  
 12 A. Yes, sir.  
 13 **Q. Now, you saw me and how I had to**  
 14 **thread this barrel guide ring back on to the**  
 15 **magazine tube. Did you have to do that?**  
 16 A. I didn't do that.  
 17 **Q. All right. Do you remember**  
 18 **whether these two items were together?**  
 19 A. I do not remember whether they  
 20 were together.  
 21 **Q. All right. But you say you don't**  
 22 **remember having to thread it on the way I**  
 23 **did?**

Page 56

1 A. I didn't take that much trouble to  
 2 put it on.  
 3 **Q. Well, you might just be better at**  
 4 **it than me.**  
 5 A. If it was on there, I must have  
 6 gotten lucky because all I did was jam it  
 7 together and stick it back in the safe.  
 8 **Q. So after you put the barrel back**  
 9 **onto the gun, you took it into the house and**  
 10 **put it in your safe?**  
 11 A. Yes, sir.  
 12 **Q. And did you -- Is this one of**  
 13 **those safes where you can lay the butt of**  
 14 **the gun on the ground of the safe and it**  
 15 **just stands upright?**  
 16 A. Yes, sir.  
 17 **Q. All right. And at any point did**  
 18 **the barrel ever come off again while you**  
 19 **were handling it?**  
 20 A. No, sir.  
 21 **Q. When you went to get the gun to**  
 22 **give to Jim, do you recall how you pulled it**  
 23 **out of the safe?**

14 (Pages 53 to 56)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 57</p> <p>1 A. Grabbed it in the middle.</p> <p>2 <b>Q. So you grabbed it at the barrel?</b></p> <p>3 A. Pretty much. I didn't grab the</p> <p>4 barrel itself because as far as being the</p> <p>5 only thing I grabbed, I grabbed it in the</p> <p>6 middle where the bottom of it is on there.</p> <p>7 I really don't know all the words, names of</p> <p>8 the parts.</p> <p>9 <b>Q. You never had an issue with the</b></p> <p>10 <b>barrel coming off after that?</b></p> <p>11 A. No, sir. It was wobbly, but it</p> <p>12 didn't ever fall off again.</p> <p>13 <b>Q. Now, at any point after you got it</b></p> <p>14 <b>out of your safe, did you gather with any</b></p> <p>15 <b>others, could be one other individual or a</b></p> <p>16 <b>group of individuals, and together look at</b></p> <p>17 <b>that gun?</b></p> <p>18 A. No, sir.</p> <p>19 <b>Q. Did you at any point inform Brian</b></p> <p>20 <b>Bonner of the fact that the gun fell off</b></p> <p>21 <b>when you were walking into your house --</b></p> <p>22 <b>excuse me -- the barrel fell off when you</b></p> <p>23 <b>were walking into your house?</b></p>	<p style="text-align: right;">Page 59</p> <p>1 <b>Q. Did he ever explain to you why he</b></p> <p>2 <b>had his right hand on the barrel?</b></p> <p>3 A. He just said it was jammed or</p> <p>4 something. He said it jammed and he was</p> <p>5 trying to unjam it.</p> <p>6 <b>Q. But he didn't specifically explain</b></p> <p>7 <b>to you why he had his right hand on the</b></p> <p>8 <b>barrel?</b></p> <p>9 A. No, sir.</p> <p>10 <b>Q. Okay. Did he say that he pulled</b></p> <p>11 <b>the trigger with his left hand?</b></p> <p>12 A. He didn't say that.</p> <p>13 <b>Q. Okay. Did you tell Brian about</b></p> <p>14 <b>seeing the shell casing half out of the</b></p> <p>15 <b>ejector port?</b></p> <p>16 A. I don't remember if I told Brian</p> <p>17 that. But I know I told Jim that.</p> <p>18 <b>Q. At any point subsequent to this</b></p> <p>19 <b>accident, have you ever had a conversation</b></p> <p>20 <b>with BJ wherein he explained to you what he</b></p> <p>21 <b>was doing immediately before this occurred?</b></p> <p>22 A. I'm trying to figure out what you</p> <p>23 said.</p>
<p style="text-align: right;">Page 58</p> <p>1 A. Well, I told Jim first. But as</p> <p>2 far as Brian, I can't remember -- he went to</p> <p>3 Birmingham before I seen him. He already</p> <p>4 had surgery and everything.</p> <p>5 So I told him. It was a while</p> <p>6 after. But I know I did tell him it fell</p> <p>7 off. But I can't remember exactly when I</p> <p>8 told him.</p> <p>9 <b>Q. Brian is right-handed, at least he</b></p> <p>10 <b>was before this incident; right?</b></p> <p>11 A. Yes, sir.</p> <p>12 <b>Q. And it was his right hand that he</b></p> <p>13 <b>injured?</b></p> <p>14 A. Yes, sir.</p> <p>15 <b>Q. And he put his right hand as we</b></p> <p>16 <b>understand it on the end of the barrel in</b></p> <p>17 <b>order for it to be injured?</b></p> <p>18 A. That's the way I understand it.</p> <p>19 <b>Q. Have you ever after this accident,</b></p> <p>20 <b>all the way up to today, asked Brian why he</b></p> <p>21 <b>put his right hand on the end of the barrel?</b></p> <p>22 A. I don't recall asking him. I just</p> <p>23 told him it was stupid.</p>	<p style="text-align: right;">Page 60</p> <p>1 <b>Q. Let me ask that one again. Did BJ</b></p> <p>2 <b>ever tell you what happened after this</b></p> <p>3 <b>accident?</b></p> <p>4 A. All he told me was it jammed.</p> <p>5 <b>Q. It jammed?</b></p> <p>6 A. And Brian took it away from him to</p> <p>7 unjam it. And that's all he told me.</p> <p>8 <b>Q. So you just told me that Brian</b></p> <p>9 <b>took it away from him, meaning he had the</b></p> <p>10 <b>gun --</b></p> <p>11 A. When it jammed.</p> <p>12 <b>Q. -- when it jammed? So it was your</b></p> <p>13 <b>understanding and BJ told you he had been</b></p> <p>14 <b>shooting the gun?</b></p> <p>15 A. At that particular time it jammed,</p> <p>16 he had the gun.</p> <p>17 <b>Q. You don't know whether he had been</b></p> <p>18 <b>shooting it, though?</b></p> <p>19 A. I don't know.</p> <p>20 <b>Q. When he said jammed, did he</b></p> <p>21 <b>explain what he meant by jammed?</b></p> <p>22 A. No, sir.</p> <p>23 <b>Q. And you never followed up and</b></p>

15 (Pages 57 to 60)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 61</p> <p>1 asked what do you mean by jammed?</p> <p>2 A. No, sir.</p> <p>3 Q. Did he tell you that he had fired</p> <p>4 the gun and it failed to discharge?</p> <p>5 A. He didn't say.</p> <p>6 Q. He didn't say anything to that</p> <p>7 effect?</p> <p>8 A. No, sir.</p> <p>9 Q. What is Brian doing these days?</p> <p>10 A. I know he's going to school at</p> <p>11 Southern Union.</p> <p>12 Q. Do you know what year he is?</p> <p>13 A. Sir?</p> <p>14 Q. Do you know what year he is in</p> <p>15 school?</p> <p>16 A. No, sir.</p> <p>17 Q. Do you know how much schooling</p> <p>18 he's got left at Southern Union?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you know what major he's</p> <p>21 focusing on?</p> <p>22 A. No, I don't.</p> <p>23 Q. Come on. You've never asked Brian</p>	<p style="text-align: right;">Page 63</p> <p>1 A. Race car games. I really don't</p> <p>2 know all the games he plays. He came over</p> <p>3 this weekend. But my son was with him. I</p> <p>4 didn't play none.</p> <p>5 Q. How old are your kids?</p> <p>6 A. My oldest son is sixteen. My</p> <p>7 stepdaughter is fourteen. My youngest son</p> <p>8 is thirteen and my oldest stepson is I think</p> <p>9 twenty-four.</p> <p>10 Q. You've got a handful.</p> <p>11 A. But he lives in North Carolina.</p> <p>12 Q. Okay. With Ralph?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. What's his name?</p> <p>15 A. Jason.</p> <p>16 Q. Okay. All right. Just bear with</p> <p>17 me here. So you have noticed that Brian</p> <p>18 likes to play video games. What else does</p> <p>19 he like to do?</p> <p>20 MR. HODGE: Object to the form.</p> <p>21 A. I really don't know. He has a lap</p> <p>22 top, but I don't ever see him with it, as</p> <p>23 far as getting on the internet and stuff</p>
<p style="text-align: right;">Page 62</p> <p>1 what degree he's taking?</p> <p>2 A. No, sir. I don't find it</p> <p>3 interesting.</p> <p>4 Q. So he is going to school, though,</p> <p>5 as you understand it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Is he working anywhere, also?</p> <p>8 A. A job, no, sir. Not that I know</p> <p>9 of. If he is, he ain't told me about it.</p> <p>10 Q. And his daddy has got a business;</p> <p>11 right? When I say daddy, his step-dad Mr.</p> <p>12 Knowles?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Does he work with his step-daddy?</p> <p>15 A. Not that I know of.</p> <p>16 Q. What activities does Brian like to</p> <p>17 do on his off time?</p> <p>18 A. He likes to try to learn to play</p> <p>19 video games again.</p> <p>20 Q. Does he like to do that at your</p> <p>21 place?</p> <p>22 A. He does.</p> <p>23 Q. What games does he like to play?</p>	<p style="text-align: right;">Page 64</p> <p>1 like that.</p> <p>2 Q. You have noticed him getting on</p> <p>3 the internet?</p> <p>4 A. I haven't noticed it. I know he's</p> <p>5 got a lap top. But he don't ever bring it</p> <p>6 with him. Other than that, he comes over to</p> <p>7 my house mainly to talk to us, play video</p> <p>8 games. And his grandpa lives at my house.</p> <p>9 Q. And that would be Tyler Knowles?</p> <p>10 A. No.</p> <p>11 Q. Never mind.</p> <p>12 A. Calvin Owen Clifton.</p> <p>13 Q. Yes, sir. Does he like to do</p> <p>14 anything mechanical?</p> <p>15 A. I know he likes to mess with</p> <p>16 cars. But I don't think he can do a whole</p> <p>17 lot with it.</p> <p>18 Q. What about lawnmowers? I know Mr.</p> <p>19 Knowles has a lawnmower business. Does he</p> <p>20 work on lawnmowers?</p> <p>21 A. As far as I know, Brian has no</p> <p>22 interest to work on a lawnmower.</p> <p>23 Q. Is he part of any clubs or</p>

16 (Pages 61 to 64)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660



**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 65</p> <p>1 <b>associations?</b></p> <p>2 A. Not that I know of.</p> <p>3 <b>Q. He hasn't done any hunting?</b></p> <p>4 A. Not that I know of.</p> <p>5 <b>Q. Or other activity like fishing?</b></p> <p>6 A. I don't ever recall seeing him</p> <p>7 ever fish.</p> <p>8 <b>Q. Has Brian shot a gun at all this</b></p> <p>9 <b>year?</b></p> <p>10 A. I do not know.</p> <p>11 <b>Q. Was Brian ever the type before</b></p> <p>12 <b>this accident to be someone that would just</b></p> <p>13 <b>pull his gun entirely apart, disassemble it,</b></p> <p>14 <b>clean it, put it back together?</b></p> <p>15 A. That, I don't know. I don't know</p> <p>16 if he would do that. I know Cody takes</p> <p>17 everything apart, his twin brother. But as</p> <p>18 far as Brian, I really don't know if he</p> <p>19 would take it apart or not.</p> <p>20 MR. HIGLEY: Those are all my</p> <p>21 questions. Thank you, Mr. Dennis.</p> <p>22 EXAMINATION BY MR. MATHIS:</p> <p>23 <b>Q. I have one or two more. You said</b></p>	<p style="text-align: right;">Page 67</p> <p>1 <b>C E R T I F I C A T E</b></p> <p>2</p> <p>3 <b>STATE OF ALABAMA )</b></p> <p>4 <b>MONTGOMERY COUNTY)</b></p> <p>5</p> <p>6 I hereby certify that the above</p> <p>7 and foregoing deposition was taken down by</p> <p>8 me in stenotype, and the questions and</p> <p>9 answers thereto were transcribed by means of</p> <p>10 computer-aided transcription, and that the</p> <p>11 foregoing represents a true and correct</p> <p>12 transcript of the testimony given by said</p> <p>13 witness upon said hearing.</p> <p>14 I further certify that I am</p> <p>15 neither of counsel, nor of kin to the</p> <p>16 parties to the action, nor am I in any wise</p> <p>17 interested in the result of said cause.</p> <p>18</p> <p>19</p> <p>20 -----</p> <p>21 <b>CINDY WELDON</b></p> <p>22</p> <p>23</p>
<p style="text-align: right;">Page 66</p> <p>1 <b>after you picked up the guns, you were in a</b></p> <p>2 <b>hurry?</b></p> <p>3 A. Yes, sir.</p> <p>4 <b>Q. Were you driving fast after you</b></p> <p>5 <b>picked up the guns?</b></p> <p>6 A. I never drive fast.</p> <p>7 <b>Q. Never drive fast?</b></p> <p>8 A. I get in trouble. Everybody calls</p> <p>9 me a grandpa driver.</p> <p>10 <b>Q. Who do you get in trouble from?</b></p> <p>11 <b>You get in trouble for driving slow?</b></p> <p>12 A. I get into more trouble for</p> <p>13 driving slow.</p> <p>14 <b>Q. What kind of roads were you</b></p> <p>15 <b>driving on? Were these dirt roads or paved</b></p> <p>16 <b>roads?</b></p> <p>17 A. Asphalt roads.</p> <p>18 MR. MATHIS: That's all I've got.</p> <p>19 Thank you.</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	

17 (Pages 65 to 67)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 68

<b>A</b>	<b>anyway</b> 24:14	54:19 55:5,9	<b>black</b> 53:21	64:19
<b>able</b> 33:11	<b>apart</b> 22:12	55:10,14 56:7	<b>blood</b> 42:23 43:3	<b>butt</b> 56:13
<b>accident</b> 15:21	65:13,17,19	56:8 65:14	<b>Bobbie</b> 14:23	<b>Bypass</b> 7:15
17:11 19:5	<b>apartment</b> 24:7	<b>bad</b> 24:13	15:22 22:23	<b>C</b>
24:8 25:2,19	<b>appreciate</b>	<b>barrel</b> 20:1,7,12	26:15,23	<b>C</b> 4:1 67:1,1
28:9 30:19	19:17	21:7 37:22	<b>Bobbie's</b> 28:10	<b>call</b> 10:6 15:1
58:19 59:19	<b>approached</b>	38:2,4 40:2,4	31:6 32:3,10	54:3
60:3 65:12	39:10	40:22 41:23	34:1 46:15	<b>called</b> 14:23
<b>acres</b> 13:7	<b>approaching</b>	44:1,2 50:21	<b>body</b> 33:15	15:2
<b>action</b> 39:22	38:8	51:11,14,20,22	<b>Bonner</b> 1:5 2:5	<b>calls</b> 28:6 66:8
40:1 50:22	<b>April</b> 9:20	52:2,10,17	9:2 57:20	<b>Calvin</b> 64:12
51:8 67:16	<b>arm</b> 51:1,7	53:1,2 54:1,2,3	<b>book</b> 27:10	<b>camouflage</b>
<b>activities</b> 62:16	<b>arms</b> 35:2	54:6,6,18 55:9	<b>bottom</b> 44:10,10	37:16 53:15
<b>activity</b> 65:5	<b>arrangements</b>	55:10,14 56:8	44:15,17 57:6	<b>cap</b> 54:15
<b>actual</b> 28:13	25:10 26:19	56:18 57:2,4	<b>bought</b> 14:9	<b>car</b> 63:1
<b>ADAMS</b> 5:2	<b>asked</b> 8:11 17:1	57:10,22 58:16	<b>boy</b> 13:10	<b>Carolina</b> 29:10
<b>address</b> 7:14	33:7 53:23	58:21 59:2,8	<b>break</b> 8:8,12	30:8,9,16,17
27:5,9 28:2,10	58:20 61:1,23	<b>BARTON</b> 4:16	53:4	63:11
28:13 29:4	<b>asking</b> 58:22	<b>basic</b> 7:23 13:8	<b>Brian</b> 1:5 2:5	<b>carry</b> 13:14
<b>advised</b> 1:20	<b>asphalt</b> 34:20	53:12	7:11 9:2 10:7	<b>carrying</b> 45:17
<b>afternoon</b> 14:16	35:1 66:17	<b>Basically</b> 13:13	10:10 11:1	<b>cars</b> 64:16
<b>age</b> 33:4	<b>assign</b> 3:12	16:17 24:13	14:17 15:10	<b>case</b> 1:7 2:7
<b>ago</b> 16:21 30:8	<b>associations</b>	26:9	17:9 22:4,18	25:18
33:3 40:13	65:1	<b>bear</b> 52:6 63:16	23:8,16,21	<b>casing</b> 39:3 41:7
<b>AGREED</b> 2:14	<b>assume</b> 53:11	<b>believe</b> 15:3	25:11 32:22	41:17 45:12
3:1,8,17	<b>attention</b> 20:15	19:7 40:6	33:13 36:8	59:14
<b>ahead</b> 27:3 38:9	<b>aunt</b> 9:8 23:2	52:11	57:19 58:2,9	<b>catching</b> 30:5
<b>ain't</b> 12:20	<b>Avenue</b> 2:21	<b>best</b> 40:20	58:20 59:13,16	<b>cause</b> 67:17
46:23 62:9	4:11 5:3	<b>better</b> 8:15 56:3	60:6,8 61:9,23	<b>cell</b> 15:2,4
<b>al</b> 1:9 2:10	<b>Avoid</b> 8:2	<b>bird</b> 24:18	62:16 63:17	<b>CENTER</b> 4:17
<b>Alabama</b> 1:2,14	<b>B</b>	<b>Birmingham</b> 4:7	64:21 65:8,11	<b>Certified</b> 2:18
2:2,21 4:7,12	<b>babbling</b> 33:9	4:19 5:4 58:3	65:18	<b>certify</b> 67:6,14
4:19 5:4 7:16	<b>back</b> 13:4,6	<b>birthdate</b> 7:12	<b>Brian's</b> 9:23	<b>chamber</b> 18:11
67:3	17:20 19:9	<b>bit</b> 31:22 53:17	10:3 13:17,17	18:13 42:7
<b>Alan</b> 1:16 4:15	20:9,18,20	<b>BJ</b> 17:9 29:11,14	23:3 26:15	<b>chambers</b> 45:7
<b>Alena</b> 27:22	21:5,5,8 22:2	29:14 30:15	<b>bring</b> 64:5	<b>check</b> 45:6
<b>Alena's</b> 29:22	24:6 28:3 30:7	31:1,5,7,9	<b>brings</b> 36:2	<b>CHRIS</b> 7:1
<b>Amended</b> 1:15	30:13 43:8,10	32:10,12,19	<b>BROOKWO...</b>	<b>Christopher</b>
<b>answer</b> 8:1,11	44:6 45:17	33:5,6 34:9,10	4:17,18	1:12 2:17 7:11
33:9	46:14,20,22	34:11,13 36:20	<b>brother</b> 23:3	<b>Cindy</b> 1:15 2:18
<b>answers</b> 67:9	47:2,6 48:14	43:17 45:22	65:17	67:21
<b>anybody</b> 13:14	48:19,22 50:11	46:19 47:17	<b>brown</b> 37:17	<b>CITY</b> 1:8 2:9
23:14 25:20	52:17,19,21,22	59:20 60:1,13	<b>bunch</b> 28:7	<b>Civil</b> 1:14
<b>anymore</b> 29:9		<b>BJ's</b> 29:12,21	<b>business</b> 62:10	

**367 VALLEY AVENUE****(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 69

<b>clays</b> 12:18,20 <b>clean</b> 65:14 <b>cleaning</b> 16:1 <b>clear</b> 8:3,8 <b>Clifton</b> 64:12 <b>close</b> 10:7 <b>closer</b> 38:1 <b>clubs</b> 64:23 <b>coat</b> 45:19 <b>code</b> 28:5 <b>Cody</b> 23:2 65:16 <b>COLONIAL</b> 4:17 <b>color</b> 37:15,16 38:23 53:12 <b>come</b> 16:8 24:5 40:5 56:18 61:23 <b>comes</b> 24:3 64:6 <b>coming</b> 38:12 57:10 <b>Commissioner</b> 2:19 3:18 <b>company</b> 27:18 <b>completed</b> 8:18 <b>compliance</b> 3:4 <b>computer-aided</b> 67:10 <b>concrete</b> 49:2 <b>conversation</b> 23:6 59:19 <b>converted</b> 28:8 <b>correct</b> 13:23 30:14,21,23 32:8 34:12 35:20 46:10 47:14 49:13 51:10 52:4 54:8,9 67:11 <b>correctly</b> 32:15 <b>cotton</b> 48:10 <b>counsel</b> 2:16 3:9 3:11 67:15 <b>COUNTY</b> 67:4	<b>Court</b> 1:1,21,22 2:1 3:5 7:5 <b>cradling</b> 51:7 <b>cul-de-sac</b> 34:5 <b>cups</b> 45:3 <hr/> <b>D</b> <b>D</b> 1:16 4:15 6:1 <b>daddy</b> 62:10,11 <b>dark</b> 30:12 32:5 <b>date</b> 13:16,21 <b>dates</b> 9:17 <b>daughter</b> 29:22 <b>DAVID</b> 4:4 <b>day</b> 1:18 13:17 14:2,7,10,13 17:20 21:23 22:7 24:6 27:14 30:18 36:2 53:14 <b>daylight</b> 18:1 32:7 <b>days</b> 24:2,3 27:15,15,16,16 61:9 <b>DEFENDANT</b> 4:14 <b>Defendants</b> 1:10 2:11 <b>degree</b> 62:1 <b>delivering</b> 1:16 <b>Dennis</b> 1:12 2:17 7:1,11 27:5 53:10 54:2 65:21 <b>deposed</b> 7:17,19 <b>deposition</b> 1:12 2:16 3:2,3,14 3:18 7:19 26:19 67:7 <b>depositions</b> 3:6 <b>describe</b> 11:23 48:9 51:16 <b>details</b> 24:20	37:2 <b>different</b> 12:9 26:10 37:17 <b>directions</b> 12:4 <b>dirt</b> 37:4,22,23 66:15 <b>disassemble</b> 21:10 65:13 <b>discharge</b> 38:18 61:4 <b>discussed</b> 24:8 24:11 <b>DISTRICT</b> 1:1 1:2 2:1,2 <b>DIVISION</b> 1:3 2:3 <b>doing</b> 13:19,20 15:6 59:21 61:9 <b>door</b> 20:1,6,7 48:17,19,22,23 49:16,18 50:6 50:8,11,12 51:3,13,21,21 <b>drive</b> 46:14 66:6 66:7 <b>driver</b> 66:9 <b>driver's</b> 43:14 <b>driveway</b> 48:14 <b>driving</b> 66:4,11 66:13,15 <b>drop</b> 21:2 <b>dropped</b> 46:19 <b>duly</b> 7:2 <b>dump</b> 33:16 <b>DUTTON</b> 4:5 <hr/> <b>E</b> <b>E</b> 4:1,1 6:1 67:1 67:1 <b>eased</b> 44:5 <b>EASTERN</b> 1:3 2:3 <b>effect</b> 3:4 61:7	<b>effective</b> 1:15 <b>eight</b> 27:13 <b>ejected</b> 41:8 <b>ejector</b> 38:20 41:9,23 59:15 <b>eleven</b> 32:20 <b>Eleventh</b> 8:19 <b>empty</b> 17:17 45:7 46:5,9 <b>entirely</b> 52:3 65:13 <b>et</b> 1:9 2:10 <b>everybody</b> 8:1 28:6 66:8 <b>everyday</b> 10:14 <b>evidence</b> 3:14 <b>exactly</b> 13:21 58:7 <b>EXAMINATI...</b> 6:3 7:4 27:4 65:22 <b>examined</b> 41:22 <b>example</b> 53:10 <b>excuse</b> 42:13 57:22 <b>exhibits</b> 1:19 <b>explain</b> 59:1,6 60:21 <b>explained</b> 59:20 <b>exterior</b> 50:12 <b>extra</b> 33:16 <hr/> <b>F</b> <b>F</b> 67:1 <b>facing</b> 38:4,8,10 38:16 <b>fact</b> 57:20 <b>failed</b> 61:4 <b>fair</b> 8:15 40:15 40:17 <b>Fairfax</b> 7:15 14:20 28:2,7 <b>fall</b> 20:22 57:12 <b>falling</b> 51:19	<b>familiar</b> 53:12 <b>family</b> 10:17 <b>far</b> 23:6 27:8 57:4 58:2 63:23 64:21 65:18 <b>fast</b> 66:4,6,7 <b>Felicia</b> 29:20,21 29:22 30:2,6,7 30:13 <b>fell</b> 20:1,7 49:1 49:18 50:12 51:5,15,16,18 52:2,7,13 55:11 57:20,22 58:6 <b>field</b> 42:17 <b>figure</b> 59:22 <b>filed</b> 1:22 <b>filing</b> 3:17 <b>find</b> 14:18 15:20 23:7 36:19 62:2 <b>fine</b> 7:8 <b>finger</b> 24:19 <b>fire</b> 21:21 35:1 <b>fired</b> 46:7 61:3 <b>Firm</b> 2:20 4:10 <b>first</b> 7:2 14:21 18:7 20:11 35:11 43:23 44:1,2 45:6 47:1 58:1 <b>fish</b> 65:7 <b>fishing</b> 65:5 <b>five</b> 13:7 34:15 <b>flat</b> 53:21 <b>flipped</b> 51:23 52:1 <b>floor</b> 51:12,18 52:1,7 <b>focusing</b> 61:21 <b>Folded</b> 32:1 <b>folks</b> 23:1
---	--	--	---	---

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 70

<b>followed</b> 60:23	24:14 25:15	54:7 56:9,14	<b>heard</b> 16:2	<b>hurry</b> 40:14
<b>follows</b> 7:3	34:16 37:1	56:21 57:17,20	<b>hearing</b> 67:13	52:15 66:2
<b>foot</b> 34:21 37:5	46:18 47:23	60:10,14,16	<b>held</b> 44:6	<b>hysterical</b> 15:9
<b>football</b> 14:5	51:21 53:5	61:4 65:8,13	<b>HELLUMS</b> 4:5	
<b>force</b> 3:3	61:10 62:4	<b>guns</b> 11:1,3,6,9	<b>helping</b> 14:11	<b>I</b>
<b>foregoing</b> 67:7	<b>good</b> 16:15	11:15,20 12:1	<b>he'll</b> 24:5,6	<b>immediately</b>
67:11	<b>gotten</b> 25:12	12:7,9 18:20	<b>HIGEY</b> 5:1 6:5	59:21
<b>Foreman</b> 27:19	56:6	18:23 19:19	19:14,16 27:4	<b>incident</b> 58:10
27:20	<b>grab</b> 39:17 40:7	20:18 22:13	53:4 65:20	<b>including</b> 21:20
<b>form</b> 3:10 63:20	41:5 52:9 57:3	29:15 34:17	<b>highest</b> 8:17	<b>indicate</b> 43:19
<b>forward</b> 33:8	<b>grabbed</b> 39:20	35:18 44:23	<b>HODGE</b> 4:4 7:8	<b>indicating</b> 51:3
<b>four</b> 27:16,16	39:21,23 40:4	45:5 47:6 48:1	44:14 53:7	<b>individual</b> 57:15
33:3	57:1,2,5,5	49:22 66:1,5	63:20	<b>individuals</b>
<b>fourteen</b> 63:7	<b>grabbing</b> 40:21	<b>guy</b> 25:23	<b>holding</b> 44:19	57:16
<b>front</b> 20:1,4 51:8	<b>grade</b> 8:19		49:20,20 50:18	<b>industrial</b> 27:8
<b>full</b> 3:4 7:9	<b>grandpa</b> 64:8	<b>H</b>	50:20,22 51:7	28:15
<b>functions</b> 22:13	66:9	<b>half</b> 21:14 37:6	<b>hollering</b> 16:3,7	<b>inform</b> 57:19
<b>further</b> 2:23 3:7	<b>green</b> 37:17	41:8 59:14	<b>home</b> 46:1	<b>injured</b> 14:18
3:16 67:14	<b>ground</b> 7:23	<b>halfway</b> 18:11	<b>hospital</b> 15:5,14	58:13,17
	17:3 18:5	18:13 51:23	15:15,17,19	<b>injury</b> 9:23 10:3
<b>G</b>	37:19 42:22,23	<b>hand</b> 16:6 23:9	16:10 22:17,23	11:13 13:17,18
<b>game</b> 14:6,8	56:14	41:4 43:11	30:22 31:2,6	14:22 23:22
<b>games</b> 62:19,23	<b>grounds</b> 3:12	49:16,23 50:16	32:3 46:20,22	<b>inner</b> 22:13
63:1,2,18 64:8	<b>group</b> 57:16	50:19 51:9	47:3,7	<b>inspect</b> 21:9,21
<b>gather</b> 57:14	<b>guess</b> 14:1 32:17	52:10 58:12,15	<b>house</b> 11:18	<b>Installation</b> 8:21
<b>gauge</b> 11:7,8	40:19	58:21 59:2,7	14:19 15:1	27:6 28:14
12:12,13,14,15	<b>guide</b> 53:2 54:1	59:11	18:22 19:10	<b>interest</b> 43:19
19:6,8 20:12	54:3,6 55:14	<b>handful</b> 63:10	24:4 25:22	64:22
<b>gentle</b> 11:22	<b>gun</b> 11:21 12:5	<b>handle</b> 11:21	29:1,2 30:20	<b>interested</b> 52:14
<b>getting</b> 29:16	13:9,14 14:10	<b>handles</b> 12:1	45:19 46:15,15	67:17
63:23 64:2	17:21 18:2,15	<b>handling</b> 56:19	46:21,21 47:16	<b>interesting</b> 62:3
<b>give</b> 7:22 33:8	19:2,12 20:2	<b>hanging</b> 18:10	47:19,22 48:4	<b>internet</b> 63:23
46:6 56:22	20:23 21:2,9	18:12	48:7,8,10,14	64:3
<b>given</b> 24:20	21:13,23 22:5	<b>happen</b> 19:18	49:6 50:3,12	<b>inwards</b> 51:4
25:17 67:12	22:10,14 24:22	<b>happened</b> 15:8	54:18 56:9	<b>issue</b> 57:9
<b>GMC</b> 31:18	35:10 37:19	15:12 16:13	57:21,23 64:7	<b>items</b> 55:18
<b>go</b> 13:2 15:13,15	38:8,15 39:8	17:11 22:9	64:8	
17:4,20 24:6	39:11,18 41:14	23:8,14 24:21	<b>Hughley</b> 27:8	<b>J</b>
25:8 27:3 31:5	41:16,17,20,22	25:2 28:11	<b>huh-uh</b> 8:7	<b>jacket</b> 45:3
38:17 42:6	42:16,18 43:20	32:11 33:6	<b>hundred</b> 40:11	<b>jam</b> 56:6
48:23 53:5	45:13 47:9,13	51:13 60:2	40:12	<b>jammed</b> 23:11
54:7	47:16,23 49:7	<b>hard</b> 48:9	<b>hunt</b> 12:18	23:15 33:13
<b>going</b> 7:22 11:1	49:19 50:19	<b>head</b> 8:2	<b>hunted</b> 12:21	59:3,4 60:4,5
16:22 17:19	51:11 53:5,13	<b>hear</b> 14:21	<b>hunting</b> 65:3	60:11,12,15,20
				60:21 61:1

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 71

<b>Jason</b> 29:18,19 30:6,8,15 63:15	44:8,8 45:10 50:17 53:1 55:2,4 57:7 58:6 59:17 60:17,19 61:10 61:12,14,17,20 62:8,15 63:2 63:21 64:4,15 64:18,21 65:2 65:4,10,15,15 65:16,18	<b>learned</b> 30:19 <b>left</b> 38:9,13 49:17 50:16,17 50:19 51:7,9 59:11 61:18 <b>left-handed</b> 41:2 <b>length</b> 53:19 <b>level</b> 8:17 <b>lifted</b> 44:5 <b>light</b> 17:23 <b>likes</b> 62:18 63:18 64:15 <b>Lisa</b> 23:2 <b>listed</b> 12:10 <b>little</b> 9:9 17:17 17:19 31:22 48:18 51:19 53:17 54:14 <b>live</b> 28:16 29:8 30:6 <b>lived</b> 14:19 28:12 <b>lives</b> 63:11 64:8 <b>living</b> 28:22 30:9 48:5 <b>loaded</b> 13:14 41:21 45:10 54:8 <b>locking</b> 54:14,20 54:23 <b>long</b> 9:7,15 16:21 21:12,15 32:2 40:13 <b>look</b> 18:2 22:1 27:9 39:14 42:5,11,12,15 42:18 47:9 52:12 55:8 57:16 <b>looked</b> 18:9 39:12 41:23 42:3,22 51:22 53:17 <b>looking</b> 43:20	51:21 <b>looks</b> 53:12,22 <b>loose</b> 20:13 <b>lot</b> 13:5 17:17 20:20 23:1 24:4 31:3 32:13,15 64:17 <b>loud</b> 8:1 <b>lucky</b> 56:6	57:1,6 <b>mill</b> 48:7,8,10 <b>mind</b> 32:17 64:11 <b>mine</b> 11:18 <b>minutes</b> 32:4 <b>model</b> 53:13 <b>mom</b> 26:15 30:3 <b>moment</b> 39:14 55:4 <b>money</b> 12:16 <b>MONTGOM...</b> 67:4 <b>month</b> 10:15 21:14 24:2 <b>months</b> 9:16 <b>morning</b> 27:14 <b>mother's</b> 9:4 <b>move</b> 14:11 29:3 <b>moved</b> 30:7
<b>JOHNSTON</b> 4:16 <b>June</b> 9:21 29:7 <b>junk</b> 20:20 45:3	<b>Knowles</b> 16:7 21:17 27:22 46:4 62:12 64:9,19 <b>K-N-A-U-F</b> 8:23		<b>M</b>	
<b>K</b>	<b>L</b>		<b>M</b>	<b>N</b>
<b>kept</b> 21:18 <b>kids</b> 25:8 26:20 63:5 <b>kin</b> 29:11 67:15 <b>kind</b> 10:16 11:5 12:17 14:8 15:9 20:8,17 21:7 31:16 32:12,18 33:9 35:1 37:21 48:4 50:23 51:2 52:19,21 66:14 <b>kinds</b> 12:9 <b>KIRBY</b> 4:5 <b>Knauf</b> 8:21 27:6 28:14 <b>knew</b> 10:19 <b>know</b> 8:9,12 10:10 13:20 14:1 16:20 19:1 21:1,18 22:11 23:16 25:12 26:1,2 27:7,7 28:12 30:11 32:14 34:14 43:12	<b>L 2:13</b> <b>Lafayette</b> 2:21 4:12 <b>laid</b> 44:3,6,7,18 <b>land</b> 13:6 <b>Lanier</b> 15:17 <b>lap</b> 63:21 64:5 <b>laughs</b> 24:18 <b>Law</b> 2:20 4:10 <b>lawnmower</b> 64:19,22 <b>lawnmowers</b> 64:18,20 <b>laws</b> 3:5 <b>lawsuit</b> 26:14,17 <b>lawyer</b> 26:1 <b>lawyers</b> 25:20 <b>lay</b> 20:17,19 33:22 44:11 56:13 <b>laying</b> 17:3 18:5 34:19,23 35:12 36:22 37:12 44:19,21 <b>leading</b> 3:10 <b>learn</b> 62:18			<b>N 2:13 4:1 6:1</b> <b>name</b> 7:10 30:4 63:14 <b>names</b> 57:7 <b>necessary</b> 3:8 <b>need</b> 8:8 27:10 <b>neither</b> 67:15 <b>never</b> 12:16,20 21:22,22,23 22:1 36:6 57:9 60:23 61:23 64:11 66:6,7 <b>NICK</b> 4:9 <b>night</b> 27:13 <b>nineteen</b> 32:23 <b>nodding</b> 8:2 <b>North</b> 5:3 29:10 30:8,9,16,17 63:11 <b>Notary</b> 2:19 <b>notice</b> 3:17 18:8 20:12 39:5,9

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



**FREEDOM COURT REPORTING**

Page 72

<b>noticed</b> 63:17 64:2,4 <b>November</b> 9:19 13:22 28:3,10 <b>NUMBER</b> 1:7 2:7 <b>numerous</b> 45:2 <b>nut</b> 54:20,23 <hr/> <b>O</b> <b>O</b> 2:13 <b>Object</b> 63:20 <b>objections</b> 3:9 3:12 <b>observe</b> 42:9 <b>observed</b> 38:20 <b>obvious</b> 52:5 <b>occurred</b> 59:21 <b>offered</b> 3:14 <b>offices</b> 2:20 <b>Okay</b> 29:3 34:23 38:1 40:7 42:16,20 43:3 43:10 45:1,9 47:15 48:21 49:2,19 50:10 51:16 53:7,16 54:4,22 55:3 59:10,13 63:12 63:14,16 <b>old</b> 31:18 32:19 32:22 63:5 <b>oldest</b> 63:6,8 <b>once</b> 42:16 49:8 <b>ones</b> 12:10 <b>opened</b> 48:22 49:16 50:7 51:3,4 <b>opening</b> 50:5,7 50:11 51:13 <b>oral</b> 1:17 26:3,5 <b>order</b> 58:17 <b>original</b> 1:17 <b>outside</b> 17:23	<b>Owen</b> 64:12 <b>o'clock</b> 27:13 <hr/> <b>P</b> <b>P</b> 2:13 4:1,1 <b>PAGE</b> 6:3 <b>pant's</b> 45:20 <b>paper</b> 25:4 <b>papers</b> 25:12 <b>park</b> 4:6 27:8 28:15 34:4 <b>parked</b> 34:6 <b>part</b> 37:21 42:5 50:19 64:23 <b>particular</b> 19:2 48:13 60:15 <b>parties</b> 2:15 3:11 67:16 <b>parts</b> 57:8 <b>paved</b> 66:15 <b>pavement</b> 34:7 <b>PAWN</b> 1:8 2:9 <b>pay</b> 20:14 <b>people</b> 22:22 23:4 37:8 <b>percent</b> 40:11 40:12 <b>person</b> 47:12 <b>phone</b> 15:3,4 27:10 <b>physical</b> 27:9 <b>pick</b> 17:4,5,13 35:10,11 40:14 54:20 55:2 <b>picked</b> 18:16,21 20:8,11 21:5 29:15 35:8,14 35:18 39:13,15 39:18 40:21 41:14,16 42:16 45:6 52:8 66:1 66:5 <b>picking</b> 25:8 <b>pickup</b> 18:18	31:13,16,20 33:19 <b>piece</b> 18:3 <b>pieces</b> 51:19 <b>PITTMAN</b> 4:5 <b>place</b> 4:6 31:6 32:3,10 62:21 <b>Plaintiff</b> 1:6 2:6 4:3 <b>play</b> 62:18,23 63:4,18 64:7 <b>plays</b> 63:2 <b>please</b> 1:20 7:9 7:12,14 8:6 <b>pocket</b> 33:17,21 45:19,20 <b>point</b> 13:7,13,15 31:8 47:2 55:3 56:17 57:13,19 59:18 <b>pointed</b> 12:4 34:18 51:12 54:10 <b>pointing</b> 54:11 <b>police</b> 25:19 <b>porch</b> 20:6 48:12,16,19 50:9 <b>port</b> 38:21 41:9 41:23 59:15 <b>position</b> 27:17 37:19 44:3 <b>possession</b> 21:12 <b>prepare</b> 26:18 <b>PRESENT</b> 5:6 <b>pretty</b> 12:2 49:10 57:3 <b>prior</b> 3:14 <b>probably</b> 34:21 40:1 53:11 <b>Procedure</b> 1:14 <b>PROCTOR</b> 4:16 <b>promote</b> 12:5	<b>property</b> 34:2 <b>Public</b> 2:19 <b>pull</b> 41:9,13 65:13 <b>pulled</b> 41:17 45:12 49:5 56:22 59:10 <b>pulling</b> 49:6 <b>pushed</b> 21:7 <b>put</b> 9:18 18:17 18:22 19:12 20:16 21:5 22:1 32:17 33:1 35:8,15 35:19 43:8,14 43:23 45:16,23 47:5,10 48:2 52:17,21 54:5 54:19 55:4,9 55:10 56:2,8 56:10 58:15,21 65:14 <b>putting</b> 22:12 43:17,20 <b>p.m</b> 2:22 <hr/> <b>Q</b> <b>question</b> 8:6,11 8:13 <b>questions</b> 3:10 3:11 52:6 65:21 67:8 <hr/> <b>R</b> <b>R</b> 4:1 67:1 <b>Race</b> 63:1 <b>Ralph</b> 16:7,9,15 28:19 29:2,8 29:11 30:15 63:12 <b>Ralph's</b> 29:12 29:16,18 <b>ran</b> 16:3 <b>ranch</b> 48:5 <b>reading</b> 3:1	<b>ready</b> 42:6 <b>real</b> 11:21 46:23 <b>really</b> 12:21 14:1 16:20 17:16,17 20:14 22:11 23:5 27:7 30:11 32:13,15 33:7 33:14 47:8 52:14 57:7 63:1,21 65:18 <b>recall</b> 37:14 38:23 40:16,17 40:18 47:5,8 47:16 55:7 56:22 58:22 65:6 <b>receiver</b> 39:22 52:3,18 55:11 <b>recess</b> 53:8 <b>recollection</b> 50:15 <b>record</b> 8:3,8 53:20 <b>red</b> 39:2,3 <b>REESE</b> 5:2 <b>regular</b> 11:23 <b>regularly</b> 23:21 <b>relating</b> 3:5 <b>relationship</b> 9:1 10:2 <b>remember</b> 9:17 13:16,18,21 14:14 16:18 19:3 25:22 26:8,11 32:14 35:4 40:20 41:4 46:19 47:18 55:6,17 55:19,22 58:2 58:7 59:16 <b>Reporter</b> 1:21 2:18 7:5 <b>represents</b> 67:11
---	--	---	--	--

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 73

<b>respective</b> 2:16	<b>rode</b> 31:9,13	20:21 32:1	36:11	42:2,19 43:4
<b>rest</b> 37:23	<b>RODGERS</b> 5:7	33:22 35:15	<b>shooting</b> 11:1,19	43:15,18,22
<b>result</b> 67:17	<b>room</b> 13:5 31:22	44:5 45:4,21	12:23 24:15	45:14 46:2,13
<b>retained</b> 1:21	<b>ROSE</b> 4:16	45:22	33:21 60:14,18	46:16 47:4
<b>retrieve</b> 16:23	<b>Rule</b> 1:13	<b>seats</b> 31:23	<b>shoots</b> 24:18	50:1 53:3
<b>ride</b> 31:7,11	<b>rules</b> 1:14 3:5	<b>Second</b> 27:12	<b>short</b> 53:8	54:16,21 55:7
32:9 33:6	7:23 13:9	<b>seconds</b> 34:15	<b>shorter</b> 53:17	55:12 56:11,16
<b>rifle</b> 35:5	<b>rust</b> 31:19	<b>see</b> 10:13 15:22	<b>Shorthand</b> 2:18	56:20 57:11,18
<b>right</b> 9:5,6 13:3	<hr/>	22:1,20 23:21	<b>shot</b> 11:3,15,18	58:11,14 59:9
16:11 17:12	<b>S</b>	36:17 42:1,4,7	11:20 12:20	60:22 61:2,8
18:14 19:11	<b>S</b> 2:13 4:1	42:22 43:1	15:10 16:4	61:13,16,19
25:11 28:13	<b>Sadler</b> 30:2,3	45:6 51:19	21:22 23:8	62:2,6,8,13
30:12,18 31:9	<b>safe</b> 12:3 14:10	52:12 54:5,7	36:6 65:8	64:13 66:3
31:10,13 32:2	18:22 19:12	54:15 63:22	<b>shotgun</b> 16:23	<b>sister</b> 9:4 29:12
32:9 33:5,10	20:10 21:8	<b>seeing</b> 10:5 55:6	35:22 36:1,15	29:21
34:3,6,19	22:3 45:16,23	55:7 59:14	37:11,15 49:12	<b>sister's</b> 29:17
35:23 36:19,21	47:6,10,13	65:6	49:21,21 50:15	<b>sitting</b> 42:8
36:22 37:18	48:3 52:23	<b>seen</b> 10:21 21:22	53:11	45:21
38:7,9,10,11	55:5,6 56:7,10	22:4,14 36:1,4	<b>show</b> 14:11	<b>Six</b> 9:16
38:17,19 39:10	56:14,23 57:14	46:12 51:20	34:17	<b>sixteen</b> 33:1
39:17 40:2,3	<b>safes</b> 56:13	58:3	<b>shrubbery</b> 17:18	63:6
40:10 41:16	<b>safety</b> 12:6 13:9	<b>separated</b> 30:10	<b>side</b> 10:5 34:6	<b>SKS</b> 12:13
43:11,16 44:16	42:9,13	<b>September</b> 1:19	38:17 43:14	<b>slow</b> 66:11,13
44:18,21 45:17	<b>saw</b> 18:7 43:3	2:21	44:20	<b>small</b> 28:7
46:8,11 48:11	53:14 55:13	<b>set</b> 52:19	<b>sides</b> 31:19	<b>smith</b> 22:10
48:19 49:14,16	<b>saying</b> 33:15	<b>seven</b> 48:15	38:15	<b>solid</b> 53:21
50:14,22 51:2	37:11 39:21,22	<b>seventy-five</b>	<b>sideways</b> 44:11	<b>somewhat</b> 53:12
51:8 52:1,7,9	40:3 44:14	34:21	<b>signature</b> 3:1	<b>son</b> 29:13,18
52:10,12 53:6	54:22	<b>shaking</b> 8:2	<b>sir</b> 8:16 10:1	63:3,6,7
53:22,23 54:3	<b>scene</b> 37:2 41:11	33:16	11:2,4,17 12:8	<b>son's</b> 29:17
54:12,13,17	43:6	<b>shape</b> 53:13	15:18 18:1,4,6	<b>sorry</b> 9:18 30:1
55:17,21 56:17	<b>school</b> 61:10,15	<b>shell</b> 18:10,12	19:7,20 21:3	<b>sound</b> 13:22
58:10,12,15,21	62:4	38:20 39:1	21:11,19 22:6	<b>sounds</b> 40:10
59:2,7 62:11	<b>schooling</b> 8:18	41:7 42:1	22:16,19,21	<b>Southern</b> 61:11
63:16	61:17	45:12 46:5,9	23:20 24:23	61:18
<b>right-handed</b>	<b>scouts</b> 13:11	46:12 59:14	25:3,16 26:12	<b>specifically</b>
41:1,3 58:9	<b>scratches</b> 39:6	<b>shells</b> 33:17	26:16 27:21	16:19 59:6
<b>ring</b> 53:2 54:1,3	<b>screen</b> 48:16,18	38:17 45:22	28:17 29:7	<b>spell</b> 8:22
54:6 55:14	50:6,8	<b>shift</b> 27:11,12,13	31:15,21 32:1	<b>spot</b> 9:18
<b>road</b> 34:6,22	<b>screws</b> 54:15	<b>shirt</b> 16:5	34:8 36:7,18	<b>spots</b> 31:19
35:12 36:17	<b>scuff</b> 39:5	<b>shook</b> 32:12	37:5,10,13	<b>stairs</b> 21:4
<b>roads</b> 66:14,15	<b>SE</b> 2:21 4:11	<b>shoot</b> 11:5,9,19	38:6,14,22	<b>stands</b> 56:15
66:16,17	<b>season</b> 14:5	12:18,19,21,22	39:4,16 40:23	<b>start</b> 16:2
<b>ROB</b> 5:7	<b>seat</b> 18:17 19:23	13:2,15 36:8	41:6,10,18	<b>started</b> 16:6

**367 VALLEY AVENUE****(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 74

48:23 <b>state</b> 7:9 8:14 67:3 <b>statement</b> 25:17 26:3,4 <b>STATES</b> 1:1 2:1 <b>stay</b> 24:4,5 <b>stayed</b> 34:11 <b>stays</b> 24:3 <b>stenotype</b> 67:8 <b>step</b> 42:20 <b>stepdaughter</b> 63:7 <b>steps</b> 19:23 20:4 20:5 47:21 48:12,15,17 49:3 <b>stepson</b> 63:8 <b>step-dad</b> 62:11 <b>step-daddy</b> 62:14 <b>Stewart</b> 16:7 28:19 29:19 <b>Stewart's</b> 29:2 <b>stick</b> 56:7 <b>sticking</b> 38:20 41:8 <b>sticks</b> 24:19 <b>STIPULATED</b> 2:14,23 3:7,16 <b>stipulations</b> 7:6 <b>stock</b> 37:21 38:2 38:3,11 39:23 40:8 43:23 44:6 51:1,6 <b>stood</b> 23:5 <b>stop</b> 46:17 <b>straight</b> 33:8 38:9 44:12 <b>strange</b> 18:8 19:18 <b>street</b> 28:4,13 <b>stuck</b> 20:9 21:8 22:2	<b>stuff</b> 25:9 63:23 <b>stuffed</b> 52:22,22 <b>stupid</b> 16:17 24:15 58:23 <b>subsequent</b> 55:3 59:18 <b>SUITE</b> 4:18 5:3 <b>supposed</b> 14:10 <b>sure</b> 12:3 39:19 40:11,12 41:21 46:19,23 49:10 52:16 <b>surgery</b> 58:4 <b>sworn</b> 7:2 <hr/> <b>T</b> <b>T</b> 2:13,13 67:1,1 <b>take</b> 8:8,12 19:16 32:2 39:14 47:23 53:4 56:1 65:19 <b>taken</b> 1:18 2:17 53:9 67:7 <b>takes</b> 65:16 <b>talk</b> 16:12,16,22 22:7,18 25:6 25:14 26:5,14 26:22 31:1,3 32:10 64:7 <b>talked</b> 16:14 22:22 24:12 25:1 26:13 <b>talking</b> 17:8 31:17 35:22 49:12 <b>tan</b> 37:17 <b>target</b> 12:19,23 <b>taught</b> 13:8 <b>teach</b> 13:12 <b>technician</b> 27:19 27:20 <b>tell</b> 7:23 8:14 14:3,4 15:7	19:21 23:14,18 24:13,14 33:10 33:11 35:1 40:16,17,18 48:4 58:6 59:13 60:2 61:3 <b>ten</b> 32:4 <b>terms</b> 53:13 <b>testified</b> 7:2 <b>testimony</b> 1:18 67:12 <b>Thank</b> 65:21 66:19 <b>theory</b> 54:7 <b>thereto</b> 3:15 67:9 <b>thing</b> 26:9 57:5 <b>things</b> 10:16 <b>think</b> 11:17 15:2 15:6 23:2 25:21,23 26:7 31:18 32:23 39:19 40:9 41:12 49:9 63:8 64:16 <b>thinking</b> 9:19 14:15 32:20 48:15 <b>thirteen</b> 63:8 <b>thought</b> 34:16 <b>thread</b> 55:14,22 <b>three</b> 9:9,10 11:11 13:3 18:20,23 27:15 27:15 30:8 47:23 48:2 49:7 <b>threw</b> 17:3,7 <b>throw</b> 17:10 20:18 <b>threwed</b> 45:22 <b>time</b> 3:13,13 8:9 9:9,15,21,23	10:3 13:10 14:13 16:21 17:20 23:23 24:1,3 25:21 28:9,18,21 32:19 40:13 41:20 44:7 46:12 48:5 49:20 60:15 62:17 <b>times</b> 10:14 11:11 13:4 <b>today</b> 36:3 58:20 <b>TODD</b> 5:1 <b>told</b> 15:10,13,22 17:2,4 23:10 24:14 31:7 33:21 36:20 58:1,5,8,23 59:16,17 60:4 60:7,8,13 62:9 <b>tool</b> 11:23 <b>top</b> 38:18 44:9 44:10 48:17 63:22 64:5 <b>TOWER</b> 4:6 <b>towns</b> 28:8 <b>trail</b> 17:13,14,19 34:20 36:20,22 37:3,4,12,20 <b>trails</b> 37:7 <b>transcribed</b> 67:9 <b>transcript</b> 1:17 67:12 <b>transcription</b> 67:10 <b>trees</b> 17:18 <b>trial</b> 3:13 <b>tried</b> 12:5 21:23 22:1 52:17 55:10 <b>trigger</b> 44:15,17 51:8 59:11 <b>trouble</b> 56:1	66:8,10,11,12 <b>truck</b> 20:16 31:14,16,20 34:4,11 35:7,9 35:16,17,19 43:8,8,11,13 44:4,7 45:18 45:18 47:20 49:7 <b>true</b> 67:11 <b>try</b> 8:1,14 21:21 62:18 <b>trying</b> 23:17,19 24:21 32:16 33:13 59:5,22 <b>tube</b> 54:23 55:15 <b>turn</b> 42:12,13 46:3 <b>turned</b> 43:7 <b>twelve</b> 32:21 <b>twenty-four</b> 63:9 <b>twin</b> 65:17 <b>two</b> 11:11 13:3,7 24:6 30:7 34:19,23 35:12 35:18 44:23 45:5 49:22 55:18 65:23 <b>two-door</b> 31:20 <b>Tyler</b> 64:9 <b>type</b> 65:11 <hr/> <b>U</b> <b>U</b> 2:13 <b>uh-huh</b> 8:7 9:14 19:13 <b>uncle</b> 9:3 <b>understand</b> 8:13 58:16,18 62:5 <b>understanding</b> 60:13 <b>Union</b> 61:11,18 <b>UNITED</b> 1:1 2:1
--	---	--	---	---

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 75

<b>unjam</b> 23:17,19 24:22 33:13 59:5 60:7 <b>unlocked</b> 20:6 <b>upright</b> 56:15 <b>use</b> 11:22 21:20 22:5 44:9 <b>Usual</b> 7:5 <b>usually</b> 10:22	<b>weekend</b> 25:13 63:3 <b>weeks</b> 30:8 <b>Weldon</b> 1:16 2:18 67:21 <b>Wellington</b> 28:4 <b>went</b> 14:9 30:22 35:18,21 36:14 43:7 46:15,20 46:21,21 47:2 47:6,13,21 49:17 54:19 56:21 58:2 <b>weren't</b> 12:4 34:14 <b>we're</b> 35:22 <b>wide</b> 37:6 <b>wife</b> 9:4 10:20 12:17 14:23 25:4 29:18 <b>wise</b> 67:16 <b>witness</b> 3:2 19:15 67:13 <b>wobbly</b> 52:20 57:11 <b>wood</b> 49:2,4 <b>woods</b> 17:15,16 <b>Wooten</b> 2:20 4:9 4:10 <b>word</b> 44:9 <b>words</b> 25:4 43:16 49:21 57:7 <b>work</b> 8:20 25:8 27:11,15,15,22 62:14 64:20,22 <b>worked</b> 10:20 16:1 <b>working</b> 62:7 <b>worn</b> 37:8 <b>worried</b> 33:23 <b>wouldn't</b> 33:23 <b>wrapped</b> 16:6 <b>written</b> 26:4	<b>wrong</b> 12:4 <hr/> <b>X</b> <hr/> <b>X</b> 6:1 <hr/> <b>Y</b> <hr/> <b>yard</b> 13:4,6 16:2 <b>year</b> 11:11 13:4 61:12,14 65:9 <b>years</b> 9:9,10 33:3 37:9 <b>young</b> 32:18 <b>youngest</b> 63:7 <b>y'all</b> 25:6,14 34:1 <hr/> <b>Z</b> <hr/> <b>zip</b> 28:5 <hr/> <b>1</b> <hr/> <b>1:00</b> 2:22 <b>10</b> 2:20 4:11 <b>1100</b> 4:6 5:3 <b>12</b> 11:7 12:12,14 19:5,7 20:11 <b>1393</b> 7:15 <b>14th</b> 9:19 <b>15</b> 1:15 <b>15th</b> 13:22 <b>19th</b> 1:18 2:22 <b>1972</b> 7:13 <b>1988</b> 1:15 <hr/> <b>2</b> <hr/> <b>2nd</b> 2:20 4:11 <b>20</b> 11:7 12:12,15 <b>2000</b> 9:20 <b>2001</b> 9:20 <b>2003</b> 13:22 28:3 28:10 33:2 <b>2004</b> 9:21 29:5 <b>2007</b> 1:19 2:22 <b>21st</b> 9:21 <b>2100</b> 5:3 <b>22</b> 12:13	<b>22nd</b> 7:13 <b>27</b> 6:5 <b>270</b> 11:7 12:11 19:1 35:3 <hr/> <b>3</b> <hr/> <b>3RD</b> 5:3 <b>3:00</b> 14:15 <b>3:06-CV-0071...</b> 1:8 2:8 <b>35203</b> 4:7 5:4 <b>35209</b> 4:19 <b>357</b> 11:7 12:12 <b>36854</b> 7:16 28:6 <b>36862</b> 4:12 <b>38</b> 11:7 12:11 <hr/> <b>4</b> <hr/> <b>4:00</b> 14:16 <hr/> <b>5</b> <hr/> <b>5(d)</b> 1:13 <b>5:30</b> 17:22 <b>503</b> 28:4 <b>569</b> 4:18 <hr/> <b>6</b> <hr/> <b>6:00</b> 17:22 <b>65</b> 6:4 <hr/> <b>7</b> <hr/> <b>7</b> 6:4 <b>7:30</b> 27:13 <b>79</b> 31:18 <hr/> <b>9</b> <hr/> <b>901</b> 4:18
--	---	--	---

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

# **EXHIBIT F**



**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 1</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER, ) 6 Plaintiff, ) 7 vs. ) CASE NUMBER: 8 PAWN CITY, INC., ) 3:06-CV-00715-MHT 9 et al., ) 10 Defendants. ) 11 12 DEPOSITION OF BOBBIE DENNIS 13 In accordance with Rule 5(d) of 14 The Alabama Rules of Civil Procedure, as 15 Amended, effective May 15, 1988, I, Cindy 16 Weldon, am hereby delivering to Alan D. 17 Mathis, the original transcript of the oral 18 testimony taken on the 19th day of 19 September, 2007, along with exhibits. 20 Please be advised that this is the 21 same and not retained by the Court Reporter, 22 nor filed with the Court. 23</p>	<p style="text-align: right;">Page 3</p> <p>1 AGREED that the signature to and the reading 2 of the deposition by the witness is waived, 3 the deposition to have the same force and 4 effect as if full compliance had been had 5 with all laws and rules of Court relating to 6 the taking of depositions. 7 IT IS FURTHER STIPULATED AND 8 AGREED that it shall not be necessary for 9 any objections to be made by counsel to any 10 questions, except as to form or leading 11 questions, and that counsel for the parties 12 may make objections and assign grounds at 13 the time of trial, or at the time said 14 deposition is offered in evidence, or prior 15 thereto. 16 IT IS FURTHER STIPULATED AND 17 AGREED that notice of filing of the 18 deposition by the Commissioner is waived. 19 20 21 22 23</p>
<p style="text-align: right;">Page 2</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE MIDDLE DISTRICT OF ALABAMA 3 EASTERN DIVISION 4 5 BRIAN BONNER, ) 6 Plaintiff, ) 7 vs. ) CASE NUMBER: 8 ) 3:06-CV-00715-MHT 9 PAWN CITY, INC., ) 10 et al., ) 11 Defendants. ) 12 13 S T I P U L A T I O N 14 IT IS STIPULATED AND AGREED, by 15 and between the parties through their 16 respective counsel, that the deposition of 17 BOBBIE DENNIS, may be taken before Cindy 18 Weldon, Certified Shorthand Reporter, 19 Commissioner and Notary Public, at the 20 offices of the Wooten Law Firm, 10 2nd 21 Avenue SE, Lafayette, Alabama, on September 22 the 19th, 2007 at 2:30 p.m. 23 IT IS FURTHER STIPULATED AND</p>	<p style="text-align: right;">Page 4</p> <p>1 A P P E A R A N C E S 2 3 FOR THE PLAINTIFF: 4 MR. DAVID HODGE 5 PITTMAN, DUTTON, KIRBY &amp; HELLUMS 6 1100 PARK PLACE TOWER 7 BIRMINGHAM, ALABAMA 35203 8 9 MR. NICK WOOTEN 10 THE WOOTEN LAW FIRM 11 10 2ND AVENUE SE 12 LAFAYETTE, ALABAMA 36862 13 14 FOR THE DEFENDANT: 15 MR. ALAN D. MATHIS 16 JOHNSTON, BARTON PROCTOR &amp; ROSE 17 COLONIAL BROOKWOOD CENTER 18 569 BROOKWOOD VILLAGE, SUITE 901 19 BIRMINGHAM, ALABAMA 35209 20 21 22 23</p>

1 (Pages 1 to 4)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

<p style="text-align: right;">Page 5</p> <p>1 MR. TODD M. HIGLEY 2 ADAMS &amp; REESE 3 2100 3RD AVENUE NORTH, SUITE 1100 4 BIRMINGHAM, ALABAMA 35203</p> <p>5 6 ALSO PRESENT: 7 MR. ROB RODGERS 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 7</p> <p>1 BOBBIE DENNIS, 2 after first being duly sworn, testified 3 as follows: 4 EXAMINATION BY MR. MATHIS: 5 THE COURT REPORTER: Usual 6 stipulations? 7 MR. MATHIS: Yes. 8 MR. HODGE: Yes. 9 <b>Q. Would you please state your full</b> 10 <b>name.</b> 11 A. Bobbie Clifton Dennis. 12 <b>Q. And your address is the same as</b> 13 <b>what Mr. Dennis gave us?</b> 14 A. Yes, sir. 15 <b>Q. Please give us your birthday.</b> 16 A. May 9th, 1959. 17 <b>Q. And then the highest level of</b> 18 <b>education you completed.</b> 19 A. Well, I graduated in '77. And I 20 just had some college. I did pulmonary 21 testing and stuff like that. 22 <b>Q. Where did you graduate from?</b> 23 A. Lanett High School.</p>
<p style="text-align: right;">Page 6</p> <p>1 INDEX 2 3 EXAMINATION BY: PAGE 4 MR. MATHIS 7 5 MR. HIGLEY 51 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	<p style="text-align: right;">Page 8</p> <p>1 <b>Q. Where did you attend college?</b> 2 A. I think it was Chapel Hill, North 3 Carolina. I can't remember the exact name 4 of it. 5 <b>Q. And you said it was to study</b> 6 <b>pulmonary testing?</b> 7 A. Yes, sir. That's where I did 8 that. 9 <b>Q. Was it the University of North</b> 10 <b>Carolina or was it --</b> 11 A. It's something -- I know my 12 company sent me there. We had to go there 13 for schooling and stuff to do that. And we 14 had to do the hearing test and stuff like 15 that. 16 <b>Q. Do you remember how long you</b> 17 <b>attended there?</b> 18 A. About six months, I think, for 19 each thing. 20 <b>Q. Six months for each?</b> 21 A. For each. 22 <b>Q. And how many were there again?</b> 23 <b>I'm sorry.</b></p>

2 (Pages 5 to 8)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 9</p> <p>1 A. Pulmonary testing and audiology.</p> <p>2 <b>Q. Where do you work now?</b></p> <p>3 A. I'm not working right now.</p> <p>4 <b>Q. Where have you worked?</b></p> <p>5 A. I worked for West Point Stevens</p> <p>6 for twenty-five years at Lanier Carter Mill</p> <p>7 and I worked at Bentler Automotive for like</p> <p>8 seven months.</p> <p>9 <b>Q. When did you work at both of</b></p> <p>10 <b>those?</b></p> <p>11 A. From 1978 or '79 to 2003 or 4. I</p> <p>12 can't remember.</p> <p>13 <b>Q. And Bentler?</b></p> <p>14 A. Bentler, I just worked there -- I</p> <p>15 think that was like the year before last.</p> <p>16 It was like from January of 2005 to July or</p> <p>17 August of 2007. 6. I'm sorry. Not 7.</p> <p>18 <b>Q. And what did you do at West Point?</b></p> <p>19 A. I was a weaver and whatever else</p> <p>20 they needed me to do. My main job was</p> <p>21 weaving. But I would do the like slashing</p> <p>22 and stuff like that.</p> <p>23 <b>Q. What is --</b></p>	<p style="text-align: right;">Page 11</p> <p>1 A. She's my younger sister.</p> <p>2 <b>Q. Are you close to Brian, also?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. How often do you see him?</b></p> <p>5 A. At least once or twice a week.</p> <p>6 <b>Q. What do you do when you get</b></p> <p>7 <b>together with them?</b></p> <p>8 A. Well, mostly he comes over -- My</p> <p>9 dad lives with me now. He comes over to see</p> <p>10 his PawPaw. And I have two step sons and a</p> <p>11 daughter. So he comes over there and kind</p> <p>12 of hangs out with them. They get on the</p> <p>13 computer or things like that, that kids do.</p> <p>14 <b>Q. He likes to get on the computer?</b></p> <p>15 A. He likes to play video games.</p> <p>16 <b>Q. Video games. Do you ever shoot</b></p> <p>17 <b>guns?</b></p> <p>18 A. I have before, yes.</p> <p>19 <b>Q. Have you ever shot guns with</b></p> <p>20 <b>Brian?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. When was that?</b></p> <p>23 A. The day that he had the accident</p>
<p style="text-align: right;">Page 10</p> <p>1 A. I can't explain exactly what is.</p> <p>2 Weaving, we made sheeting and stuff like</p> <p>3 that. Mostly like running machines and</p> <p>4 keeping them going and inspecting.</p> <p>5 <b>Q. What did you do at Bentler</b></p> <p>6 <b>Automotive?</b></p> <p>7 A. I had a -- what we called a</p> <p>8 sales. And I just put on automotive parts</p> <p>9 to build frames and then the robots would</p> <p>10 weld. And I had to check the weld and</p> <p>11 things like that.</p> <p>12 <b>Q. Did you say where that's located?</b></p> <p>13 A. Opelika, Alabama.</p> <p>14 <b>Q. And you are Brian Bonner's aunt?</b></p> <p>15 A. Yes, sir.</p> <p>16 <b>Q. His mother's sister?</b></p> <p>17 A. Yes, sir.</p> <p>18 <b>Q. Are you close with your sister,</b></p> <p>19 <b>Ms. Knowles?</b></p> <p>20 A. Yes, sir.</p> <p>21 <b>Q. How often do you see her?</b></p> <p>22 A. At least once a week.</p> <p>23 <b>Q. Is she your younger sister?</b></p>	<p style="text-align: right;">Page 12</p> <p>1 was the time I shot it.</p> <p>2 <b>Q. Is that the only time you've ever</b></p> <p>3 <b>shot guns with him?</b></p> <p>4 A. Yes. The only time I've shot with</p> <p>5 him.</p> <p>6 <b>Q. Which gun did you shoot?</b></p> <p>7 A. You know, I can't really tell</p> <p>8 guns. I just know it was a shotgun.</p> <p>9 <b>Q. Do you know if it was the one that</b></p> <p>10 <b>--</b></p> <p>11 A. It was not the one he was using.</p> <p>12 I do know that.</p> <p>13 <b>Q. So not the one that he had the</b></p> <p>14 <b>accident with?</b></p> <p>15 A. Not the one he had the accident</p> <p>16 with.</p> <p>17 <b>Q. Have you ever watched him shoot</b></p> <p>18 <b>guns before?</b></p> <p>19 A. I watched him that day.</p> <p>20 <b>Q. Just that day?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. That's the only time?</b></p> <p>23 A. Usually my husband is out there</p>

3 (Pages 9 to 12)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 13</p> <p>1 with them if they are going to shoot. He 2 had been out there with Brian before, but I 3 had not. 4 <b>Q. Do you own any guns?</b> 5 A. No, sir. 6 <b>Q. Just your husband?</b> 7 A. Yes. 8 <b>Q. And you don't ever shoot with him?</b> 9 A. Ever once in a while. 10 <b>Q. What do you shoot with him, which</b> 11 <b>guns?</b> 12 A. Just like I said, all I know is 13 the .22 and a rifle. 14 <b>Q. Rifle, shotguns, pistols?</b> 15 A. Anything that don't kick, that's 16 what I'll shoot. 17 <b>Q. Just target shooting?</b> 18 A. Yes. 19 <b>Q. Do you ever shoot clays, anything</b> 20 <b>like that?</b> 21 A. I tried one time. I don't like 22 that. 23 <b>Q. How did that go?</b></p>	<p style="text-align: right;">Page 15</p> <p>1 hands off unless he knew about it. Keep the 2 safety on and don't ever put it up to your 3 face or anything like that. Never look into 4 the barrel. And always keep them locked up 5 away from kids and things like that. 6 <b>Q. Anything else?</b> 7 A. Not really. That's about it. 8 <b>Q. Did your husband, either Ralph or</b> 9 <b>Chris, ever teach you anything else about</b> 10 <b>gun safety?</b> 11 A. Just the same old stuff 12 practically. 13 <b>Q. Do you remember the day of Brian's</b> 14 <b>injury?</b> 15 A. All I can tell you is it was in 16 the summertime. It was hot outside. It 17 may not have been summer, but I know it was 18 hot because we were raking leaves and 19 burning them. 20 <b>Q. You said we. Who else was raking</b> 21 <b>them and burning with you?</b> 22 A. My ex-husband was out there with 23 me. But he went in to watch the ballgame.</p>
<p style="text-align: right;">Page 14</p> <p>1 A. Not good. I'd rather shoot at a 2 target. 3 <b>Q. Have you ever been hunting?</b> 4 A. Yes, sir. 5 <b>Q. What kind of hunting?</b> 6 A. Deer hunting. 7 <b>Q. Was that with your husband?</b> 8 A. Ex-husband. 9 <b>Q. Was that Ralph?</b> 10 A. Yes. 11 <b>Q. When was that?</b> 12 A. Oh, gosh, about fifteen years 13 ago. It's been a long time. That's the 14 first time and last time I went. 15 <b>Q. Did you not enjoy that?</b> 16 A. No. 17 <b>Q. Have you been taught basic gun</b> 18 <b>safety rules?</b> 19 A. Yes, sir. 20 <b>Q. Who taught you those?</b> 21 A. My dad. 22 <b>Q. What did he teach you?</b> 23 A. He just taught me to keep your</p>	<p style="text-align: right;">Page 16</p> <p>1 I stayed outside, trying to keep an eye on 2 Brian and BJ. 3 <b>Q. Were they the only two out there</b> 4 <b>shooting?</b> 5 A. Yes. 6 <b>Q. Do you remember which game they</b> 7 <b>were watching?</b> 8 A. No. It was Alabama. I know it 9 was Alabama. I don't know who they were 10 playing, though. 11 <b>Q. If I told you that the accident</b> 12 <b>occurred November 15th of '03, does that --</b> 13 A. Possibly, yes. Because I just 14 know it was still kind of hot outside and we 15 were burning leaves and whatever else we had 16 out there. 17 <b>Q. You said you were trying to keep</b> 18 <b>an eye on Brian and BJ. What did you see</b> 19 <b>them doing?</b> 20 A. Well, I went out there to check 21 and make sure I knew where they were 22 shooting. It was across the road from where 23 I lived. I was burning the leaves in a</p>

4 (Pages 13 to 16)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 17</p> <p>1 ditch. So I walked up there.  2 They were like on a hill under the  3 power lines. They were shooting at a  4 cardboard box at the time. And I just  5 checked on them and told them to be  6 careful. And then I turned around to go  7 back to raking the leaves and watching the  8 fire and that's when I heard the gunshot.  9 And then I heard -- I couldn't  10 tell if it was Brian screaming or who, but  11 they were saying help me.  12 <b>Q. So you had just checked on them?</b>  13 A. Yes. Just ten or fifteen seconds.  14 <b>Q. What did you see them doing when</b>  15 <b>you checked up on them?</b>  16 A. They were picking up the shells or  17 whatever they shot. They weren't shooting  18 at the time I went over there. They were  19 showing me places where they had shot on the  20 box and stuff and that was it.  21 And they didn't shoot anymore  22 until, you know, I had turned around and  23 started leaving. And that's when they</p>	<p style="text-align: right;">Page 19</p> <p>1 A. It was like toward the woods. It  2 was like toward there. So, you know, it had  3 plenty of space so they wouldn't shoot  4 anybody else. And that's the way they were  5 shooting.  6 <b>Q. Was it open space or were there</b>  7 <b>woods?</b>  8 A. It's like half and half, I think.  9 <b>Q. Were they shooting -- When you say</b>  10 <b>half and half, were they shooting toward the</b>  11 <b>woods or was it half and half in front of</b>  12 <b>them?</b>  13 A. The power lines were like clear  14 and then there's woods after that.  15 <b>Q. Okay. And you said they were</b>  16 <b>standing underneath the power lines?</b>  17 A. Pretty close to them. Not right  18 under them. I think the box was like on a  19 hill. So it would kind of -- you know, if  20 they shot, it wouldn't go too far.  21 It would go in that -- like a dirt  22 hill behind it. It wasn't really big. But  23 it was big enough for them to shoot through.</p>
<p style="text-align: right;">Page 18</p> <p>1 shot-- that's the last time I heard them  2 shoot.  3 <b>Q. So there was just one more shot</b>  4 <b>after you had turned around and --</b>  5 A. That's all I heard, yes.  6 <b>Q. Were they having any problems with</b>  7 <b>the gun that you could see?</b>  8 A. Not at the time.  9 <b>Q. Did they say anything about the</b>  10 <b>gun jamming or any other problems with it?</b>  11 A. Not until after we got to the  12 truck or the hospital. I can't remember.  13 <b>Q. But when you checked on them, they</b>  14 <b>didn't say anything about the --</b>  15 A. They were over there picking up  16 the shells and stuff that they had already  17 shot.  18 <b>Q. And they were showing you the</b>  19 <b>targets they had been shooting?</b>  20 A. Yes.  21 <b>Q. What direction were they shooting</b>  22 <b>in? Was it toward the back part of the</b>  23 <b>house or --</b></p>	<p style="text-align: right;">Page 20</p> <p>1 <b>Q. Do you know which gun they had</b>  2 <b>been shooting when you came over and checked</b>  3 <b>on them?</b>  4 A. They were shooting two guns, I  5 think, both the one that he had the accident  6 with and I think another one. But I can't  7 remember. I know they had two or three guns  8 that day. And I shot the one that didn't  9 injure.  10 <b>Q. The shotgun?</b>  11 A. Yes.  12 <b>Q. Who was holding the guns they were</b>  13 <b>shooting at the time?</b>  14 A. At the time I checked on them?  15 <b>Q. When you checked on them, yes.</b>  16 A. I don't think anybody was holding  17 a gun at the time. I think they had them  18 laid down at that time.  19 <b>Q. Just laid at their feet on the</b>  20 <b>ground?</b>  21 A. Yes. Because they were picking up  22 the shells. I don't remember either one of  23 them having a gun holding it.</p>

5 (Pages 17 to 20)



## FREEDOM COURT REPORTING

Page 21

1 **Q. And so when you turned around to**  
 2 **walk back toward the house, the last thing**  
 3 **you saw, the guns were on the ground?**

4 A. That's the last thing I saw. They  
 5 were picking up shells because we had told  
 6 them to make sure they picked up their  
 7 mess. So I guess that's why they were  
 8 picking them up at the time.

9 **Q. Did you hear anything else after**  
 10 **you turned around, any conversation with**  
 11 **them? Were they saying anything to one**  
 12 **another?**

13 A. No. All I heard is that gunshot  
 14 and heard them screaming for help. That's  
 15 all I heard.

16 **Q. How far away were you from them?**

17 A. I was further from here to there  
 18 (indicating). It was like ten or fifteen  
 19 seconds I had walked away from them.

20 **Q. When you checked on them, though,**  
 21 **you were right next to them?**

22 A. Yes.

23 **Q. So you were right next to them,**

Page 22

1 **the guns were on the ground and you turned**  
 2 **around started walking back to the house?**

3 A. Yes. I'm thinking it may have  
 4 been fifteen yards maybe.

5 **Q. And the only thing you heard after**  
 6 **you turned around was the gunshot?**

7 A. Yes. And I started hearing  
 8 screaming help me. That's all I heard. And  
 9 I started running back to them. I met Brian  
 10 coming from that direction holding his  
 11 hand. That's when I knew what had happened.

12 **Q. And then what happened?**

13 A. We were just screaming for help  
 14 then for Ralph and his step daddy Jim to  
 15 come out and nobody could hear us. We had  
 16 screamed so much, that we couldn't scream no  
 17 more.

18 And then I just took my shirt off  
 19 so we wouldn't look at it because it wasn't  
 20 bleeding. It was cauterized. And all I  
 21 remember is when we got to the truck, they  
 22 were running out and they seen what happened  
 23 and they just got him in the truck and took

Page 23

1 him straight to the hospital.

2 **Q. How far away were they from the**  
 3 **house when they were shooting the guns?**

4 A. I'm very bad with feet. I'm going  
 5 to say -- this may be wrong -- maybe two,  
 6 three hundred yards, something like that.  
 7 They were pretty far from the house.

8 **Q. So it was taking a while to get**  
 9 **back up to the house after the accident?**

10 A. Yes. Plus we had to run up like a  
 11 hill.

12 **Q. So you saw his hand when he ran**  
 13 **back toward you?**

14 A. Yes.

15 **Q. And could see all the way through**  
 16 **the hand?**

17 A. Practically, yes. I remember the  
 18 tendons and all that was just out. It was  
 19 awful. But I knew that he wasn't bleeding.

20 **Q. Did he say anything when he ran up**  
 21 **to you?**

22 A. He was just saying please help me.

23 **Q. Was BJ saying anything?**

Page 24

1 A. He was just like white. He was  
 2 pale. He kept falling down trying to run.  
 3 I remember that.

4 **Q. Did you say anything to them when**  
 5 **they ran up to you or when you heard the gun**  
 6 **shot?**

7 A. I was like -- kind of just like  
 8 stiff I guess because I knew that one of  
 9 them had to have been shot, but I just  
 10 didn't know which one. I was kind of like  
 11 numb at the same time.

12 And when I started running back  
 13 toward them, when Brian came out, I knew  
 14 then who it was and what had happened.

15 **Q. Did you say anything to him?**

16 A. I was just like what happened,  
 17 what happened. He was just saying help me,  
 18 help me. And that's all.

19 **Q. And then you said you were --**

20 A. I was screaming.

21 **Q. -- running back up the hill?**

22 A. Running and screaming.

23 **Q. To the house?**

6 (Pages 21 to 24)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 25</p> <p>1 A. Yes.</p> <p>2 <b>Q. And Ralph and Jim came out of the</b></p> <p>3 <b>house?</b></p> <p>4 A. Yes. Finally they came out when</p> <p>5 we got close to the house. But BJ had ran</p> <p>6 up there, I think, and got them to the door</p> <p>7 because we couldn't scream anymore. That's</p> <p>8 when they finally came out.</p> <p>9 <b>Q. So BJ had run on up ahead and gone</b></p> <p>10 <b>in the house?</b></p> <p>11 A. Yes. See, BJ had just been in a</p> <p>12 terrible wreck. He had been in the</p> <p>13 hospital. He had a really bad balance, but</p> <p>14 he was trying his best to run up there.</p> <p>15 <b>Q. He had injured himself in the</b></p> <p>16 <b>wreck?</b></p> <p>17 A. He had a -- He was in intensive</p> <p>18 care for a while in Children's Hospital in</p> <p>19 Birmingham. I don't think he had been out</p> <p>20 of the hospital long. He still had like a</p> <p>21 little bit of a limp and he was trying to</p> <p>22 run and he kept falling trying to get up</p> <p>23 there to get somebody to come down and help</p>	<p style="text-align: right;">Page 27</p> <p>1 happened. I just don't know the name of the</p> <p>2 road.</p> <p>3 <b>Q. But you don't know the real name</b></p> <p>4 <b>of the road or the road number or anything?</b></p> <p>5 A. No. We used to travel it every</p> <p>6 day to go to our camp. I can't even think</p> <p>7 of the name of it and I've been there --</p> <p>8 I've been living there forever.</p> <p>9 It was called River Road,</p> <p>10 Riverview. You go toward Riverview. That's</p> <p>11 where it happened.</p> <p>12 <b>Q. You said he was in intensive care</b></p> <p>13 <b>in Children's Hospital?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. In Birmingham?</b></p> <p>16 A. Yes. Birmingham.</p> <p>17 <b>Q. How long was he there?</b></p> <p>18 A. For several months.</p> <p>19 <b>Q. Do you know, two, three, four?</b></p> <p>20 A. I'm going to say approximately</p> <p>21 four.</p> <p>22 <b>Q. How old was BJ at the time?</b></p> <p>23 A. About thirteen maybe. Fourteen,</p>
<p style="text-align: right;">Page 26</p> <p>1 us.</p> <p>2 <b>Q. So this was a car accident?</b></p> <p>3 A. Yes, he was in a car accident.</p> <p>4 <b>Q. And he had injured his leg?</b></p> <p>5 A. Actually it was his brain. His</p> <p>6 head hit. He was in the back of a truck and</p> <p>7 he got thrown out of the back of the truck.</p> <p>8 <b>Q. What effects did he have from</b></p> <p>9 <b>that?</b></p> <p>10 A. He was kind of -- He couldn't keep</p> <p>11 his coordination and -- I can't remember</p> <p>12 everything else. I just know he was in the</p> <p>13 hospital. I think he had a stroke while he</p> <p>14 was in there because they said that he was</p> <p>15 very blessed to be alive.</p> <p>16 <b>Q. Where did the accident occur, the</b></p> <p>17 <b>car wreck?</b></p> <p>18 A. It was in Valley. What I call</p> <p>19 Back Water Road. It was on the road like --</p> <p>20 Do you know where the First Baptist Church</p> <p>21 is? You don't know anything about that.</p> <p>22 <b>Q. No. Sorry.</b></p> <p>23 A. Okay. I know exactly where it</p>	<p style="text-align: right;">Page 28</p> <p>1 fifteen.</p> <p>2 <b>Q. You said he had just gotten out of</b></p> <p>3 <b>the hospital a little bit before Brian's</b></p> <p>4 <b>accident?</b></p> <p>5 A. Yes, sir.</p> <p>6 <b>Q. How long had that been?</b></p> <p>7 A. I'm going to say maybe a month</p> <p>8 because he had just started to getting to</p> <p>9 come back out. His sister is married to my</p> <p>10 son.</p> <p>11 <b>Q. His sister is Felicia?</b></p> <p>12 A. Yes.</p> <p>13 <b>Q. And your son is Jason?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. And Jason lives in North Carolina?</b></p> <p>16 A. Yes.</p> <p>17 <b>Q. And Felicia is back here right</b></p> <p>18 <b>now?</b></p> <p>19 A. Not now. She had it out with her</p> <p>20 father-in-law.</p> <p>21 <b>Q. That's Ralph?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Were you concerned about BJ firing</b></p>

7 (Pages 25 to 28)

## FREEDOM COURT REPORTING

Page 29

1 guns after -- in his condition?

2 A. Yes.

3 Q. Did you talk about that with  
4 anyone?

5 A. Well, I really don't like anybody  
6 coming over there with their kid and letting  
7 them shoot a gun, you know, because that day  
8 we were working in the yard. And that's why  
9 I was trying to keep my eye on them.

10 Q. Had Brian shot guns at your house  
11 before?

12 A. If he did it, he did it with my  
13 ex-husband and my son.

14 Q. But you had not seen them shoot  
15 guns at that house?

16 A. Not as I know of. I had seen them  
17 shoot them at his house.

18 Q. Had Brian been taught basically  
19 gun safety rules?

20 A. As far as I know.

21 Q. Did you ask about that since he  
22 was going to shoot at your house?

23 A. I just asked him do you know what

Page 31

1 his house shooting, it would just be like

2 his brothers and him and maybe Jim and maybe  
3 my son. But I never really did see him  
4 shoot at my house. I know they would go out  
5 there and shoot sometimes.

6 Q. How many times have you seen him  
7 shoot before the date of the accident?

8 A. At his house, I had seen him shoot  
9 maybe four or five times. They really  
10 didn't shoot all day. They would just shoot  
11 for a little while and come back in.

12 Q. Had you seen BJ shoot before?

13 A. No.

14 Q. Do you know if he had been taught  
15 basic gun safety rules?

16 A. No. I don't know about BJ.

17 Q. When you did see Brian and BJ  
18 shooting that day, did Brian explain any gun  
19 safety rules to BJ?

20 A. They were mostly talking about --  
21 They were talking about the guns. But I  
22 don't think they were really describing  
23 safety. I think they were saying how

Page 30

1 you're doing. And I asked Jim does he know  
2 exactly what he's doing. And he said yes  
3 because he had been over stuff with them,  
4 too.

5 Q. Jim said that?

6 A. Yes.

7 Q. What did Brian say when you asked  
8 him?

9 A. Yes, Aunt Bobbie. That's what he  
10 always tells me.

11 Q. When you'd watched him use guns  
12 before and that day, was he careful with  
13 them?

14 A. Yes. Because he wouldn't let any  
15 of the other kids get around. Like my  
16 daughter Jamie, she was really small at the  
17 time. If she had friends over, he would  
18 make sure they were not around them and he'd  
19 make sure nobody else was up there around  
20 him that would be -- you know, may get hurt,  
21 any of the smaller children.

22 Most of the time, I know when they  
23 would be up there -- when they would be at

Page 32

1 powerful they were and stuff like that.

2 Q. Did you see them shooting other  
3 than the time you went to check on them that  
4 we just talked about that day?

5 A. Just when I shot the shotgun with  
6 them.

7 Q. How much time passed between when  
8 you shot the shotgun with them and when you  
9 went to check on them?

10 A. I'm going to say two hours.

11 Q. So they had been out there a  
12 while?

13 A. Yes.

14 Q. When you had checked on them and  
15 you were walking back to the house and you  
16 heard the gunshot and the screaming -- I  
17 know you were concerned about the boys --  
18 but did you think that that was a quick  
19 amount of time to pick the gun up off the  
20 ground and being able to fire it?

21 A. Yes. Because it like -- it scared  
22 me. And then right afterwards was  
23 screaming.

8 (Pages 29 to 32)

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 33</p> <p>1 <b>Q. But you didn't hear anything else</b>  2 <b>other than the gunshot?</b>  3 A. Just that and when he started  4 hollering help me.  5 <b>Q. So once you made it back to the</b>  6 <b>house and Ralph and Jim came out, you said</b>  7 <b>they got in the truck and took Brian to the</b>  8 <b>hospital?</b>  9 A. Yes.  10 <b>Q. Both Ralph and Jim got in the</b>  11 <b>truck?</b>  12 A. Yes.  13 <b>Q. Was this Ralph's truck or Jim's</b>  14 <b>truck?</b>  15 A. Ralph's truck.  16 <b>Q. What did you do?</b>  17 A. I went inside and got another  18 shirt, then got in my car. And BJ went with  19 me and we went straight to the hospital.  20 <b>Q. Did you call anybody before you --</b>  21 A. I called Chris.  22 <b>Q. Did you call him before you went</b>  23 <b>or on your cell phone?</b></p>	<p style="text-align: right;">Page 35</p> <p>1 about what happened or anything. I was just  2 afraid, I guess. I don't remember  3 discussing anything with him.  4 <b>Q. Did he say anything?</b>  5 A. He just kept saying oh, crap.  6 That's all he kept saying.  7 <b>Q. He didn't say anything else in the</b>  8 <b>car?</b>  9 A. That's all I remember him saying.  10 He kept saying oh, crap and, you know, just  11 little sayings like that like he was upset.  12 That's all I remember him telling me.  13 <b>Q. Once you got to the hospital, did</b>  14 <b>you discuss what happened with BJ?</b>  15 A. No. Because everybody else had  16 gotten -- everybody else was talking to him.  17 <b>Q. Do you remember who all was</b>  18 <b>talking to him?</b>  19 A. I think one of the nurses or  20 doctors, the paramedic and all that stuff  21 that were out there. They were there with  22 someone else. But they knew my sister and  23 they were asking him what happened.</p>
<p style="text-align: right;">Page 34</p> <p>1 A. On the way on my cell phone.  2 <b>Q. What did you tell him?</b>  3 A. If I can remember, I was just -- I  4 was like frantic. I just told him to go to  5 the hospital because Brian had shot his hand  6 with a shotgun. I just told him we were  7 going right then, we were on our way.  8 That's all I remember telling him.  9 <b>Q. Before Ralph and Jim left in the</b>  10 <b>truck, did you say anything to them?</b>  11 A. I can't remember. I really can't.  12 <b>Q. Did they ask you what had</b>  13 <b>happened?</b>  14 A. I can't remember which one. I  15 think one of them asked me what happened and  16 I was like, well, he just shot his hand.  17 That's all I remember that I would have  18 said. I can't really remember.  19 <b>Q. Did you talk to BJ about what had</b>  20 <b>happened when you were in the car with him</b>  21 <b>on the way to the hospital?</b>  22 A. I really didn't talk to him. I  23 was like -- I didn't really say anything</p>	<p style="text-align: right;">Page 36</p> <p>1 But I know everybody else was  2 talking to BJ. I don't know if they ever  3 talked to Brian or not at that time because  4 they were trying to get him to where he  5 wouldn't hurt.  6 <b>Q. Did you ever hear anything that BJ</b>  7 <b>was saying to these other people?</b>  8 A. I know they were saying something  9 about the gun wouldn't do something when  10 they were trying to shoot it and it was  11 wobbly or something. I don't know. I don't  12 know what part of the gun it was.  13 All I know is he said one part of  14 the gun was wobbly. That's all I can tell  15 you. I really don't know anything else  16 except for what they talked about. So I  17 don't know. I guess Chris went to get it  18 and it was -- it fell apart or something.  19 <b>Q. BJ told people that the gun</b>  20 <b>wouldn't do something and that it was</b>  21 <b>wobbly? He said that at the hospital to</b>  22 <b>people?</b>  23 A. As far as I know because he never</p>

9 (Pages 33 to 36)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 37</p> <p>1 really directly told me anything.</p> <p>2 <b>Q. He didn't mention any of that to</b></p> <p>3 <b>you in the car --</b></p> <p>4 A. No.</p> <p>5 <b>Q. -- or right after the accident</b></p> <p>6 <b>happened? When you went to check on them,</b></p> <p>7 <b>they didn't say anything about having</b></p> <p>8 <b>problems with the gun?</b></p> <p>9 A. No. Not at that time.</p> <p>10 <b>Q. But it was only about ten or</b></p> <p>11 <b>fifteen seconds after you had checked on</b></p> <p>12 <b>them?</b></p> <p>13 A. Yes. Because if they would have</p> <p>14 said something like that to me, I probably</p> <p>15 would not have let them even keep shooting</p> <p>16 with that gun. I just don't remember him</p> <p>17 saying anything else to me after that</p> <p>18 because we were all like in a panic.</p> <p>19 <b>Q. When you were at the hospital, did</b></p> <p>20 <b>you talk to Jim or Ralph or your sister</b></p> <p>21 <b>about what happened?</b></p> <p>22 A. All I remember telling anybody was</p> <p>23 they asked me what happened. I just told</p>	<p style="text-align: right;">Page 39</p> <p>1 But I never knew.</p> <p>2 <b>Q. Did he explain what had happened</b></p> <p>3 <b>to the gun when he was telling you what</b></p> <p>4 <b>happened to the gun?</b></p> <p>5 A. Just recently, you know, is when I</p> <p>6 started hearing what actually happened</p> <p>7 because I really didn't know all this was</p> <p>8 going on. The only thing I know is that he</p> <p>9 said that the barrel was messed up.</p> <p>10 I don't know exactly what you</p> <p>11 would call the barrel being messed up</p> <p>12 because I don't know.</p> <p>13 <b>Q. Brian said that?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. Just recently, though?</b></p> <p>16 A. Not just recently. It's been</p> <p>17 maybe three months ago whenever we were</p> <p>18 supposed to come here before and we didn't</p> <p>19 get to make it.</p> <p>20 <b>Q. Who else besides Brian have you</b></p> <p>21 <b>discussed his accident with?</b></p> <p>22 A. Chris. He just told me what</p> <p>23 happened when he went to pick it up.</p>
<p style="text-align: right;">Page 38</p> <p>1 them that I went to check on them and I left</p> <p>2 and heard the gunshot. That's when I saw</p> <p>3 Brian coming out. He was yelling help me.</p> <p>4 I saw them coming out of the woods.</p> <p>5 And then I knew which one it was</p> <p>6 that had gotten hurt. I just knew somebody</p> <p>7 had gotten hurt. That's all I kept telling</p> <p>8 them.</p> <p>9 <b>Q. Did they say anything to you or</b></p> <p>10 <b>were they just asking questions?</b></p> <p>11 A. They were just asking questions</p> <p>12 like that. They weren't just -- That's all</p> <p>13 they ever asked me was what happened and</p> <p>14 what did I see. And that's all I saw.</p> <p>15 <b>Q. Did you talk to Brian at all in</b></p> <p>16 <b>the hospital?</b></p> <p>17 A. No. Not until after -- I think it</p> <p>18 was after he went to Children's Hospital</p> <p>19 when I finally got up to go up there because</p> <p>20 they kept him sedated most of the time.</p> <p>21 <b>Q. And how --</b></p> <p>22 A. And he kept telling me that -- he</p> <p>23 was saying something happened to the gun.</p>	<p style="text-align: right;">Page 40</p> <p>1 <b>Q. What did he say?</b></p> <p>2 A. He just said when he went to get</p> <p>3 it, you know, it just fell apart. So that's</p> <p>4 all I knew about that. I didn't go with him</p> <p>5 to pick it up.</p> <p>6 <b>Q. Did he say when it fell apart?</b></p> <p>7 A. Just when he picked it up is all I</p> <p>8 know.</p> <p>9 <b>Q. When he picked it up?</b></p> <p>10 A. Yes, when he picked it up.</p> <p>11 <b>Q. Did he describe exactly what</b></p> <p>12 <b>happened or just said it fell apart?</b></p> <p>13 A. Gosh dang. I don't remember. I</p> <p>14 really do not. All I know -- You know, I</p> <p>15 know they said that the barrel fell off or</p> <p>16 something. And I don't know if -- I may be</p> <p>17 telling a lie right here because I can't</p> <p>18 remember.</p> <p>19 I don't know if it was when he</p> <p>20 picked it up or when he took it to his</p> <p>21 house. All I know is that the barrel fell</p> <p>22 off or some part in the middle fell apart.</p> <p>23 <b>Q. Did he tell you anything else</b></p>

10 (Pages 37 to 40)



## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 41</p> <p>1 <b>about the gun?</b></p> <p>2 A. The only thing they kept telling</p> <p>3 me is that it should have been checked or</p> <p>4 something before he shot it. But I didn't</p> <p>5 know how to check it.</p> <p>6 <b>Q. Checked by you?</b></p> <p>7 A. I guess anybody that knows about</p> <p>8 guns because, you know, I really don't know</p> <p>9 a lot about them. I just shoot them</p> <p>10 sometimes with Chris and my son and that's</p> <p>11 it.</p> <p>12 <b>Q. And when did they say this? When</b></p> <p>13 <b>did they say that the gun should have been</b></p> <p>14 <b>checked?</b></p> <p>15 A. Well, they've been saying that</p> <p>16 like from the time it happened on to now.</p> <p>17 <b>Q. And who is they?</b></p> <p>18 A. Chris. My dad wasn't even around,</p> <p>19 but he says it. I guess just about</p> <p>20 everybody.</p> <p>21 <b>Q. What's your dad's name?</b></p> <p>22 A. Calvin Clifton.</p> <p>23 <b>Q. You said just about everybody.</b></p>	<p style="text-align: right;">Page 43</p> <p>1 A. I have no idea.</p> <p>2 <b>Q. He didn't elaborate on what he --</b></p> <p>3 A. Not to me.</p> <p>4 <b>Q. -- what he meant?</b></p> <p>5 A. That's why I thought for sure he</p> <p>6 would be here today because he was the</p> <p>7 number one that was there.</p> <p>8 <b>Q. BJ didn't say anything else about</b></p> <p>9 <b>what happened that day?</b></p> <p>10 A. Not to me.</p> <p>11 <b>Q. Did he tell someone else and then</b></p> <p>12 <b>they told you what BJ had told them?</b></p> <p>13 A. Not that I recall. I know BJ has</p> <p>14 talked to -- he mostly talks to the guys.</p> <p>15 They've been just leaving me out of it</p> <p>16 because all I knew was that I checked on</p> <p>17 them and came back and that happened. All</p> <p>18 that from here on out, him having the</p> <p>19 surgeries, that's about it.</p> <p>20 <b>Q. Did the guys talk about it a lot?</b></p> <p>21 A. Not around me.</p> <p>22 <b>Q. Do you know that they talk about</b></p> <p>23 <b>it even if you're not there?</b></p>
<p style="text-align: right;">Page 42</p> <p>1 <b>Who else has said it should have been</b></p> <p>2 <b>checked, if you remember?</b></p> <p>3 A. Well, I have lately and my son</p> <p>4 Jason, BJ, Felicia. I really don't know all</p> <p>5 Brian's friends, but some of his friends</p> <p>6 that have been around him.</p> <p>7 <b>Q. Did anyone else talk to you about</b></p> <p>8 <b>the way the gun functioned the day of the</b></p> <p>9 <b>accident? Has Brian or BJ after the</b></p> <p>10 <b>accident happened ever talk to you about</b></p> <p>11 <b>what they remember?</b></p> <p>12 A. No. Not -- All I know is -- All I</p> <p>13 know is when they told me they shot -- when</p> <p>14 he got shot, he told me that -- BJ said that</p> <p>15 he was freaking out because at first he</p> <p>16 thought it got him, too. That's all I know.</p> <p>17 <b>Q. He said he thought it got him,</b></p> <p>18 <b>also?</b></p> <p>19 A. Yes. Because of the blast, I</p> <p>20 guess. I wish he could have came here to</p> <p>21 talk to you because he's the one that was</p> <p>22 there.</p> <p>23 <b>Q. Was the gun pointed at BJ?</b></p>	<p style="text-align: right;">Page 44</p> <p>1 A. I know they have, especially after</p> <p>2 it happened. They were talking about it.</p> <p>3 But they never did ask me anything except</p> <p>4 for what did I see.</p> <p>5 <b>Q. Do they still talk about it a lot?</b></p> <p>6 A. Not lately. Not like they did.</p> <p>7 <b>Q. How long after the accident were</b></p> <p>8 <b>they -- did they talk about it regularly?</b></p> <p>9 A. Practically just about I guess</p> <p>10 when Brian would be around. They would</p> <p>11 start talking to him about it.</p> <p>12 <b>Q. Have you given a statement about</b></p> <p>13 <b>what happened to anyone, whether it was the</b></p> <p>14 <b>police or lawyers or anybody?</b></p> <p>15 A. Not as I know of.</p> <p>16 <b>Q. Even just a spoken statement?</b></p> <p>17 A. I can't remember. If I did, I</p> <p>18 can't remember.</p> <p>19 <b>Q. Have you talked to anyone, whether</b></p> <p>20 <b>it's your family or the other people</b></p> <p>21 <b>involved or any of the lawyers about this</b></p> <p>22 <b>lawsuit?</b></p> <p>23 A. Only except that I got this</p>

11 (Pages 41 to 44)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 45</p> <p>1 subpoena to come here. That's the only 2 thing I've discussed with anybody. 3 <b>Q. When you got the subpoena, what</b> 4 <b>did you do? Did you talk to anybody about</b> 5 <b>it?</b> 6 A. I just asked them, I said I 7 thought -- You know, I didn't -- I thought 8 y'all had called it off or something. And 9 then they said this was for something else. 10 And that's the only thing that I was told. 11 So I just said I would be here. 12 <b>Q. Who did you talk to about that?</b> 13 A. Brian. He didn't know anything 14 about it. He said it must be for something 15 different than what was already going to 16 happen the first time. 17 <b>Q. Did y'all talk about anything</b> 18 <b>else?</b> 19 A. That's it. 20 <b>Q. You called him?</b> 21 A. He came by the house and I showed 22 him. I said, look, we've got subpoenas. I 23 thought they called this off. And he said</p>	<p style="text-align: right;">Page 47</p> <p>1 o'clock maybe. 2 <b>Q. Did he start shooting right away</b> 3 <b>or did he come into the house for a little</b> 4 <b>while?</b> 5 A. They came into the house a little 6 bit, I think. 7 <b>Q. What did they do?</b> 8 A. I think they got something to 9 drink. 10 <b>Q. This is Brian and BJ?</b> 11 A. Brian, BJ, Jim and I think Ralph 12 because they were all like talking about 13 what they were going to shoot at and trying 14 to find some targets. I was just 15 overhearing them then. 16 <b>Q. Were Jason and Felicia there,</b> 17 <b>also?</b> 18 A. They weren't there at the time. 19 They were in town. I think they had gone to 20 the store or something. 21 <b>Q. Had they been there before that,</b> 22 <b>though?</b> 23 A. I think so.</p>
<p style="text-align: right;">Page 46</p> <p>1 no, that's probably for something else. He 2 read it and he goes, I really don't know 3 because I don't know myself. 4 <b>Q. Did you talk to anybody else about</b> 5 <b>it?</b> 6 A. Chris. 7 <b>Q. What did you talk to him about it?</b> 8 A. I just told him we had a subpoena 9 to come here. 10 <b>Q. What did he say?</b> 11 A. He wanted to see it. So I showed 12 him. And he was like, all I did was pick up 13 the gun. I said, well. 14 <b>Q. Jumping back just for a second, on</b> 15 <b>the day of the accident, do you remember</b> 16 <b>what time -- about what time Brian got to</b> 17 <b>your house?</b> 18 A. It was in the afternoon. I do 19 know that. 20 <b>Q. Was it early afternoon, late</b> 21 <b>afternoon?</b> 22 A. Gosh, it's been so long ago it 23 seems like. I'm going to say about two</p>	<p style="text-align: right;">Page 48</p> <p>1 <b>Q. Did anyone shoot besides Brian, BJ</b> 2 <b>and you that one shot?</b> 3 A. I don't remember if Ralph shot 4 with them or not. But I think he did. 5 <b>Q. After they came in the house and</b> 6 <b>got a drink and chatted for a little bit,</b> 7 <b>did they do anything else?</b> 8 A. I think that's when they went on 9 the porch. We had a little front porch and 10 they went out there. And that's where I 11 shot with them, was on the porch because we 12 were shooting at a tree. And that's when I 13 shot with them. 14 <b>Q. So you shot with them from the</b> 15 <b>porch, and then after that, they walked out?</b> 16 A. They went to the field, what we 17 call the field. 18 <b>Q. And the only time you saw them out</b> 19 <b>in the field is when you walked up to them</b> 20 <b>and checked on them just a little bit before</b> 21 <b>the accident?</b> 22 A. Yes. 23 <b>Q. Did anyone else go and check on</b></p>

12 (Pages 45 to 48)

## FREEDOM COURT REPORTING

<p style="text-align: right;">Page 49</p> <p>1 them?</p> <p>2 A. Not that I know of, no.</p> <p>3 Q. You said that you were out in the</p> <p>4 yard raking and burning leaves --</p> <p>5 A. Yes, sir.</p> <p>6 Q. -- while they were shooting? Is</p> <p>7 that what you were doing the whole time they</p> <p>8 were out shooting?</p> <p>9 A. Yes. Just about.</p> <p>10 Q. Could you hear anything other than</p> <p>11 gun shots or could you even hear the gun</p> <p>12 shots?</p> <p>13 A. I heard the gun shots. But I</p> <p>14 didn't hear them talking or something like</p> <p>15 that. I might hear them laugh out loud</p> <p>16 every once in a while, but that was it.</p> <p>17 Q. You couldn't make out anything</p> <p>18 they were saying?</p> <p>19 A. I could hear just conversations.</p> <p>20 Q. How old was Brian at the time?</p> <p>21 A. Let me see.</p> <p>22 Q. Sixteen; is that right?</p> <p>23 A. Sixteen, maybe going on seventeen.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Do you remember when that was?</p> <p>2 A. Gosh, I think it was last</p> <p>3 Thanksgiving when we had Thanksgiving</p> <p>4 dinner. I think my husband had a beer. I</p> <p>5 think my -- it was either my husband or my</p> <p>6 son.</p> <p>7 He tasted it and he didn't like</p> <p>8 it. But, you know, sometimes they'll</p> <p>9 acquire a taste for it and they like it</p> <p>10 after that. I don't know.</p> <p>11 MR. MATHIS: Let me take a quick</p> <p>12 break.</p> <p>13 (Whereupon, a short recess was</p> <p>14 taken.)</p> <p>15 EXAMINATION BY MR. HIGLEY:</p> <p>16 Q. Ms. Dennis, what's Brian doing</p> <p>17 these days?</p> <p>18 A. Just going to school.</p> <p>19 Q. What year is he?</p> <p>20 A. Excuse me?</p> <p>21 Q. I was wondering -- You said</p> <p>22 Southern Union?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 50</p> <p>1 Q. When they came in and got a drink,</p> <p>2 were they -- what were they drinking?</p> <p>3 A. I think Coke.</p> <p>4 Q. All of them?</p> <p>5 A. Maybe. Usually all we have is tea</p> <p>6 and Coke and water. So a Coke or two.</p> <p>7 Q. Any alcohol in the house?</p> <p>8 A. Oh, no. Well, there might have</p> <p>9 been. But, you know, if there was, my</p> <p>10 husband had it.</p> <p>11 Q. He had it hidden from you?</p> <p>12 A. I don't remember if they had beer</p> <p>13 or not. I know sometimes when they're</p> <p>14 watching games, sometimes they have beer.</p> <p>15 But I had been outside all day doing stuff</p> <p>16 in the yard.</p> <p>17 Q. Did they ever let Brian have beer?</p> <p>18 A. No way.</p> <p>19 Q. Does Brian drink now?</p> <p>20 A. I don't think so. I remember he</p> <p>21 tasted a beer one time and I don't think he</p> <p>22 liked it. So I don't know if he's acquired</p> <p>23 a taste for it or not.</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. What year is he?</p> <p>2 A. I think he just started like a few</p> <p>3 months ago. I can't remember. I do not --</p> <p>4 They tell me all kinds of stuff and it kind</p> <p>5 of goes in one ear and out the other. I can</p> <p>6 just remember them talking about stuff. So</p> <p>7 I know he's going to Southern Union.</p> <p>8 Q. Is he working anywhere?</p> <p>9 A. No.</p> <p>10 Q. Before he got shot that day, did</p> <p>11 anybody drop any of the guns that were being</p> <p>12 used?</p> <p>13 A. Not that I know of.</p> <p>14 Q. Brian is right-handed; right?</p> <p>15 A. Yes, sir.</p> <p>16 Q. And so when he would shoot, he</p> <p>17 would shoot with -- he'd pull the trigger</p> <p>18 with his right hand?</p> <p>19 A. I believe so, yes.</p> <p>20 Q. All right. Well, how did he shoot</p> <p>21 his right hand off?</p> <p>22 A. I have no idea. I do not know.</p> <p>23 All I know is that it happened.</p>

13 (Pages 49 to 52)

**FREEDOM COURT REPORTING**

<p>Page 53</p> <p>1 MR. HIGLEY: Those are all my 2 questions. Thank you. 3 MR. MATHIS: We're done. Thank 4 you. 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23</p>	
<p>Page 54</p> <p>1 C E R T I F I C A T E 2 3 STATE OF ALABAMA ) 4 MONTGOMERY COUNTY) 5 6 I hereby certify that the above 7 and foregoing deposition was taken down by 8 me in stenotype, and the questions and 9 answers thereto were transcribed by means of 10 computer-aided transcription, and that the 11 foregoing represents a true and correct 12 transcript of the testimony given by said 13 witness upon said hearing. 14 I further certify that I am 15 neither of counsel, nor of kin to the 16 parties to the action, nor am I in any wise 17 interested in the result of said cause. 18 19 20 ----- 21 CINDY WELDON 22 23</p>	

14 (Pages 53 to 54)

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

## FREEDOM COURT REPORTING

Page 55

<b>A</b>	40:6,12,22	9:14 10:5	46:16 47:10,11	16:20 32:3,9
<b>able</b> 32:20	<b>approximately</b>	<b>best</b> 25:14	48:1 49:20	37:6 38:1 41:5
<b>accident</b> 11:23	27:20	<b>big</b> 19:22,23	50:17,19 51:16	48:23
12:14,15 16:11	<b>asked</b> 29:23	<b>Birmingham</b> 4:7	52:14	<b>checked</b> 17:5,12
20:5 23:9 26:2	30:1,7 34:15	4:19 5:4 25:19	<b>Brian's</b> 15:13	17:15 18:13
26:3,16 28:4	37:23 38:13	27:15,16	28:3 42:5	20:2,14,15
31:7 37:5	45:6	<b>birthday</b> 7:15	<b>BROOKWO...</b>	21:20 32:14
39:21 42:9,10	<b>asking</b> 35:23	<b>bit</b> 25:21 28:3	4:17,18	37:11 41:3,6
44:7 46:15	38:10,11	47:6 48:6,20	<b>brothers</b> 31:2	41:14 42:2
48:21	<b>assign</b> 3:12	<b>BJ</b> 16:2,18 23:23	<b>build</b> 10:9	43:16 48:20
<b>acquire</b> 51:9	<b>attend</b> 8:1	25:5,9,11	<b>burning</b> 15:19	<b>children</b> 30:21
<b>acquired</b> 50:22	<b>attended</b> 8:17	27:22 28:23	15:21 16:15,23	<b>Children's</b>
<b>action</b> 54:16	<b>audiology</b> 9:1	31:12,16,17,19	49:4	25:18 27:13
<b>ADAMS</b> 5:2	<b>August</b> 9:17	33:18 34:19	<b>C</b>	38:18
<b>address</b> 7:12	<b>aunt</b> 10:14 30:9	35:14 36:2,6	<b>C</b> 4:1 54:1,1	<b>Chris</b> 15:9 33:21
<b>advised</b> 1:20	<b>automotive</b> 9:7	36:19 42:4,9	<b>call</b> 26:18 33:20	36:17 39:22
<b>afraid</b> 35:2	10:6,8	42:14,23 43:8	33:22 39:11	41:10,18 46:6
<b>afternoon</b> 46:18	<b>Avenue</b> 2:21	43:12,13 47:10	48:17	<b>Church</b> 26:20
46:20,21	4:11 5:3	47:11 48:1	<b>called</b> 10:7 27:9	<b>Cindy</b> 1:15 2:17
<b>ago</b> 14:13 39:17	<b>awful</b> 23:19	<b>blast</b> 42:19	33:21 45:8,20	54:21
46:22 52:3	<b>B</b>	<b>bleeding</b> 22:20	45:23	<b>CITY</b> 1:8 2:9
<b>AGREED</b> 2:14	<b>back</b> 17:7 18:22	23:19	<b>Calvin</b> 41:22	<b>Civil</b> 1:14
3:1,8,17	21:2 22:2,9	<b>blessed</b> 26:15	<b>camp</b> 27:6	<b>clays</b> 13:19
<b>ahead</b> 25:9	23:9,13 24:12	<b>Bobbie</b> 1:12	<b>car</b> 26:2,3,17	<b>clear</b> 19:13
<b>al</b> 1:9 2:10	24:21 26:6,7	2:17 7:1,11	33:18 34:20	<b>Clifton</b> 7:11
<b>Alabama</b> 1:2,14	26:19 28:9,17	30:9	35:8 37:3	41:22
2:2,21 4:7,12	31:11 32:15	<b>BONNER</b> 1:5	<b>cardboard</b> 17:4	<b>close</b> 10:18 11:2
4:19 5:4 10:13	33:5 43:17	2:5	<b>care</b> 25:18 27:12	19:17 25:5
16:8,9 54:3	46:14	<b>Bonner's</b> 10:14	<b>careful</b> 17:6	<b>Coke</b> 50:3,6,6
<b>Alan</b> 1:16 4:15	<b>bad</b> 23:4 25:13	<b>box</b> 17:4,20	30:12	<b>college</b> 7:20 8:1
<b>alcohol</b> 50:7	<b>balance</b> 25:13	19:18	<b>Carolina</b> 8:3,10	<b>COLONIAL</b>
<b>alive</b> 26:15	<b>ballgame</b> 15:23	<b>boys</b> 32:17	28:15	4:17
<b>Amended</b> 1:15	<b>Baptist</b> 26:20	<b>brain</b> 26:5	<b>Carter</b> 9:6	<b>come</b> 22:15
<b>amount</b> 32:19	<b>barrel</b> 15:4 39:9	<b>break</b> 51:12	<b>CASE</b> 1:7 2:7	25:23 28:9
<b>answers</b> 54:9	39:11 40:15,21	<b>Brian</b> 1:5 2:5	<b>cause</b> 54:17	31:11 39:18
<b>anybody</b> 19:4	<b>BARTON</b> 4:16	10:14 11:2,20	<b>cauterized</b> 22:20	45:1 46:9 47:3
20:16 29:5	<b>basic</b> 14:17	13:2 16:2,18	<b>cell</b> 33:23 34:1	<b>comes</b> 11:8,9,11
33:20 37:22	31:15	17:10 22:9	<b>CENTER</b> 4:17	<b>coming</b> 22:10
41:7 44:14	<b>basically</b> 29:18	24:13 29:10,18	<b>Certified</b> 2:18	29:6 38:3,4
45:2,4 46:4	<b>beer</b> 50:12,14,17	30:7 31:17,18	<b>certify</b> 54:6,14	<b>Commissioner</b>
52:11	50:21 51:4	33:7 34:5 36:3	<b>Chapel</b> 8:2	2:19 3:18
<b>anymore</b> 17:21	<b>believe</b> 52:19	38:3,15 39:13	<b>chatted</b> 48:6	<b>company</b> 8:12
25:7	<b>Bentler</b> 9:7,13	39:20 42:9	<b>check</b> 10:10	<b>completed</b> 7:18
<b>apart</b> 36:18 40:3		44:10 45:13		<b>compliance</b> 3:4

367 VALLEY AVENUE

(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660



## FREEDOM COURT REPORTING

Page 56

<b>computer</b> 11:13 11:14 <b>computer-aided</b> 54:10 <b>concerned</b> 28:23 32:17 <b>condition</b> 29:1 <b>conversation</b> 21:10 <b>conversations</b> 49:19 <b>coordination</b> 26:11 <b>correct</b> 54:11 <b>counsel</b> 2:16 3:9 3:11 54:15 <b>COUNTY</b> 54:4 <b>Court</b> 1:1,21,22 2:1 3:5 7:5 <b>crap</b> 35:5,10	2:11 <b>delivering</b> 1:16 <b>Dennis</b> 1:12 2:17 7:1,11,13 51:16 <b>deposition</b> 1:12 2:16 3:2,3,14 3:18 54:7 <b>depositions</b> 3:6 <b>describe</b> 40:11 <b>describing</b> 31:22 <b>different</b> 45:15 <b>dinner</b> 51:4 <b>direction</b> 18:21 22:10 <b>directly</b> 37:1 <b>dirt</b> 19:21 <b>discuss</b> 35:14 <b>discussed</b> 39:21 45:2 <b>discussing</b> 35:3 <b>DISTRICT</b> 1:1 1:2 2:1,2 <b>ditch</b> 17:1 <b>DIVISION</b> 1:3 2:3 <b>doctors</b> 35:20 <b>doing</b> 16:19 17:14 30:1,2 49:7 50:15 51:16 <b>door</b> 25:6 <b>drink</b> 47:9 48:6 50:1,19 <b>drinking</b> 50:2 <b>drop</b> 52:11 <b>duly</b> 7:2 <b>DUTTON</b> 4:5	<b>EASTERN</b> 1:3 2:3 <b>education</b> 7:18 <b>effect</b> 3:4 <b>effective</b> 1:15 <b>effects</b> 26:8 <b>either</b> 15:8 20:22 51:5 <b>elaborate</b> 43:2 <b>enjoy</b> 14:15 <b>especially</b> 44:1 <b>et</b> 1:9 2:10 <b>everybody</b> 35:15 35:16 36:1 41:20,23 <b>evidence</b> 3:14 <b>exact</b> 8:3 <b>exactly</b> 10:1 26:23 30:2 39:10 40:11 <b>EXAMINATI...</b> 6:3 7:4 51:15 <b>Excuse</b> 51:20 <b>exhibits</b> 1:19 <b>explain</b> 10:1 31:18 39:2 <b>ex-husband</b> 14:8 15:22 29:13 <b>eye</b> 16:1,18 29:9	42:4 47:16 <b>fell</b> 36:18 40:3,6 40:12,15,21,22 <b>field</b> 48:16,17,19 <b>fifteen</b> 14:12 17:13 21:18 22:4 28:1 37:11 <b>filed</b> 1:22 <b>filing</b> 3:17 <b>finally</b> 25:4,8 38:19 <b>find</b> 47:14 <b>fire</b> 17:8 32:20 <b>firing</b> 28:23 <b>Firm</b> 2:20 4:10 <b>first</b> 7:2 14:14 26:20 42:15 45:16 <b>five</b> 31:9 <b>follows</b> 7:3 <b>force</b> 3:3 <b>foregoing</b> 54:7 54:11 <b>forever</b> 27:8 <b>form</b> 3:10 <b>four</b> 27:19,21 31:9 <b>Fourteen</b> 27:23 <b>frames</b> 10:9 <b>frantic</b> 34:4 <b>freaking</b> 42:15 <b>friends</b> 30:17 42:5,5 <b>front</b> 19:11 48:9 <b>full</b> 3:4 7:9 <b>functioned</b> 42:8 <b>further</b> 2:23 3:7 3:16 21:17 54:14	50:14 <b>getting</b> 28:8 <b>give</b> 7:15 <b>given</b> 44:12 54:12 <b>go</b> 8:12 13:23 17:6 19:20,21 27:6,10 31:4 34:4 38:19 40:4 48:23 <b>goes</b> 46:2 52:5 <b>going</b> 10:4 13:1 23:4 27:20 28:7 29:22 32:10 34:7 39:8 45:15 46:23 47:13 49:23 51:18 52:7 <b>good</b> 14:1 <b>gosh</b> 14:12 40:13 46:22 51:2 <b>gotten</b> 28:2 35:16 38:6,7 <b>graduate</b> 7:22 <b>graduated</b> 7:19 <b>ground</b> 20:20 21:3 22:1 32:20 <b>grounds</b> 3:12 <b>guess</b> 21:7 24:8 35:2 36:17 41:7,19 42:20 44:9 <b>gun</b> 12:6 14:17 15:10 18:7,10 20:1,17,23 24:5 29:7,19 31:15,18 32:19 36:9,12,14,19 37:8,16 38:23 39:3,4 41:1,13 42:8,23 46:13
<b>D</b> <b>D</b> 1:16 4:15 6:1 <b>dad</b> 11:9 14:21 41:18 <b>daddy</b> 22:14 <b>dad's</b> 41:21 <b>dang</b> 40:13 <b>date</b> 31:7 <b>daughter</b> 11:11 30:16 <b>DAVID</b> 4:4 <b>day</b> 1:18 11:23 12:19,20 15:13 20:8 27:6 29:7 30:12 31:10,18 32:4 42:8 43:9 46:15 50:15 52:10 <b>days</b> 51:17 <b>Deer</b> 14:6 <b>DEFENDANT</b> 4:14 <b>Defendants</b> 1:10	<b>E</b> <b>E</b> 4:1,1 6:1 54:1 54:1 <b>ear</b> 52:5 <b>early</b> 46:20	<b>F</b> <b>F</b> 54:1 <b>face</b> 15:3 <b>falling</b> 24:2 25:22 <b>family</b> 44:20 <b>far</b> 19:20 21:16 23:2,7 29:20 36:23 <b>father-in-law</b> 28:20 <b>feet</b> 20:19 23:4 <b>Felicia</b> 28:11,17	<b>G</b> <b>game</b> 16:6 <b>games</b> 11:15,16	

## FREEDOM COURT REPORTING

Page 57

49:11,11,13 <b>guns</b> 11:17,19 12:3,8,18 13:4 13:11 20:4,7 20:12 21:3 22:1 23:3 29:1 29:10,15 30:11 31:21 41:8 52:11 <b>gunshot</b> 17:8 21:13 22:6 32:16 33:2 38:2 <b>guys</b> 43:14,20	32:16 38:2 49:13 <b>hearing</b> 8:14 22:7 39:6 54:13 <b>HELLUMS</b> 4:5 <b>help</b> 17:11 21:14 22:8,13 23:22 24:17,18 25:23 33:4 38:3 <b>hidden</b> 50:11 <b>HIGEY</b> 5:1 6:5 51:15 53:1 <b>High</b> 7:23 <b>highest</b> 7:17 <b>hill</b> 8:2 17:2 19:19,22 23:11 24:21 <b>hit</b> 26:6 <b>HODGE</b> 4:4 7:8 <b>holding</b> 20:12 20:16,23 22:10 <b>hollering</b> 33:4 <b>hospital</b> 18:12 23:1 25:13,18 25:20 26:13 27:13 28:3 33:8,19 34:5 34:21 35:13 36:21 37:19 38:16,18 <b>hot</b> 15:16,18 16:14 <b>hours</b> 32:10 <b>house</b> 18:23 21:2 22:2 23:3 23:7,9 24:23 25:3,5,10 29:10,15,17,22 31:1,4,8 32:15 33:6 40:21 45:21 46:17 47:3,5 48:5 50:7	<b>hundred</b> 23:6 <b>hunting</b> 14:3,5,6 <b>hurt</b> 30:20 36:5 38:6,7 <b>husband</b> 12:23 13:6 14:7 15:8 50:10 51:4,5	<b>kept</b> 24:2 25:22 35:5,6,10 38:7 38:20,22 41:2 <b>kick</b> 13:15 <b>kid</b> 29:6 <b>kids</b> 11:13 15:5 30:15 <b>kin</b> 54:15 <b>kind</b> 11:11 14:5 16:14 19:19 24:7,10 26:10 52:4 <b>kinds</b> 52:4 <b>KIRBY</b> 4:5 <b>knew</b> 15:1 16:21 22:11 23:19 24:8,13 35:22 38:5,6 39:1 40:4 43:16 <b>know</b> 8:11 12:7 12:8,9,12 13:12 15:17 16:8,9,14 17:22 19:2,19 20:1,7 24:10 26:12,20,21,23 27:1,3,19 29:7 29:16,20,23 30:1,20,22 31:4,14,16 32:17 35:10 36:1,2,8,11,12 36:13,15,17,23 39:5,7,8,10,12 40:3,8,14,14 40:15,16,19,21 41:5,8,8 42:4 42:12,13,16 43:13,22 44:1 44:15 45:7,13 46:2,3,19 49:2 50:9,13,22 51:8,10 52:7 52:13,22,23	<b>Knowles</b> 10:19 <b>knows</b> 41:7
<b>H</b>		<b>I</b>		<b>L</b>
<b>half</b> 19:8,8,10,10 19:11,11 <b>hand</b> 22:11 23:12,16 34:5 34:16 52:18,21 <b>hands</b> 15:1 <b>hangs</b> 11:12 <b>happen</b> 45:16 <b>happened</b> 22:11 22:12,22 24:14 24:16,17 27:1 27:11 34:13,15 34:20 35:1,14 35:23 37:6,21 37:23 38:13,23 39:2,4,6,23 40:12 41:16 42:10 43:9,17 44:2,13 52:23 <b>head</b> 26:6 <b>hear</b> 21:9 22:15 33:1 36:6 49:10,11,14,15 49:19 <b>heard</b> 17:8,9 18:1,5 21:13 21:14,15 22:5 22:8 24:5		<b>idea</b> 43:1 52:22 <b>indicating</b> 21:18 <b>injure</b> 20:9 <b>injured</b> 25:15 26:4 <b>injury</b> 15:14 <b>inside</b> 33:17 <b>inspecting</b> 10:4 <b>intensive</b> 25:17 27:12 <b>interested</b> 54:17 <b>involved</b> 44:21		<b>L 2:13</b> <b>Lafayette</b> 2:21 4:12 <b>laid</b> 20:18,19 <b>Lanett</b> 7:23 <b>Lanier</b> 9:6 <b>late</b> 46:20 <b>lately</b> 42:3 44:6 <b>laugh</b> 49:15 <b>Law</b> 2:20 4:10 <b>laws</b> 3:5 <b>lawsuit</b> 44:22 <b>lawyers</b> 44:14 44:21 <b>leading</b> 3:10 <b>leaves</b> 15:18 16:15,23 17:7 49:4 <b>leaving</b> 17:23 43:15 <b>left</b> 34:9 38:1 <b>leg</b> 26:4 <b>letting</b> 29:6 <b>level</b> 7:17 <b>lie</b> 40:17 <b>liked</b> 50:22 <b>likes</b> 11:14,15 <b>limp</b> 25:21 <b>lines</b> 17:3 19:13 19:16 <b>little</b> 25:21 28:3 31:11 35:11 47:3,5 48:6,9 48:20 <b>lived</b> 16:23 <b>lives</b> 11:9 28:15 <b>living</b> 27:8 <b>located</b> 10:12 <b>locked</b> 15:4 <b>long</b> 8:16 14:13
		<b>J</b>		
		<b>Jamie</b> 30:16 <b>jamming</b> 18:10 <b>January</b> 9:16 <b>Jason</b> 28:13,15 42:4 47:16 <b>Jim</b> 22:14 25:2 30:1,5 31:2 33:6,10 34:9 37:20 47:11 <b>Jim's</b> 33:13 <b>job</b> 9:20 <b>JOHNSTON</b> 4:16 <b>July</b> 9:16 <b>Jumping</b> 46:14		
		<b>K</b>		
		<b>keep</b> 14:23 15:1 15:4 16:1,17 26:10 29:9 37:15 <b>keeping</b> 10:4		

## FREEDOM COURT REPORTING

Page 58

25:20 27:17 28:6 44:7 46:22 look 15:3 22:19 45:22 lot 41:9 43:20 44:5 loud 49:15	North 5:3 8:2,9 28:15 Notary 2:19 notice 3:17 November 16:12 numb 24:11 number 1:7 2:7 27:4 43:7 nurses 35:19	part 18:22 36:12 36:13 40:22 parties 2:15 3:11 54:16 parts 10:8 passed 32:7 PAWN 1:8 2:9 PawPaw 11:10 people 36:7,19 36:22 44:20 phone 33:23 34:1 pick 32:19 39:23 40:5 46:12 picked 21:6 40:7 40:9,10,20 picking 17:16 18:15 20:21 21:5,8 pistols 13:14 PITTMAN 4:5 PLACE 4:6 places 17:19 Plaintiff 1:6 2:6 4:3 play 11:15 playing 16:10 please 1:20 7:9 7:15 23:22 plenty 19:3 Plus 23:10 Point 9:5,18 pointed 42:23 police 44:14 porch 48:9,9,11 48:15 Possibly 16:13 power 17:3 19:13,16 powerful 32:1 practically 15:12 23:17 44:9 PRESENT 5:6	pretty 19:17 23:7 prior 3:14 probably 37:14 46:1 problems 18:6 18:10 37:8 Procedure 1:14 PROCTOR 4:16 Public 2:19 pull 52:17 pulmonary 7:20 8:6 9:1 put 10:8 15:2 p.m 2:22	36:15 37:1 39:7 40:14 41:8 42:4 46:2 recall 43:13 recess 51:13 REESE 5:2 regularly 44:8 relating 3:5 remember 8:3 8:16 9:12 15:13 16:6 18:12 20:7,22 22:21 23:17 24:3 26:11 34:3,8,11,14 34:17,18 35:2 35:9,12,17 37:16,22 40:13 40:18 42:2,11 44:17,18 46:15 48:3 50:12,20 51:1 52:3,6 Reporter 1:21 2:18 7:5 represents 54:11 respective 2:16 result 54:17 retained 1:21 rifle 13:13,14 right 9:3 19:17 21:21,23 28:17 32:22 34:7 37:5 40:17 47:2 49:22 52:14,18,20,21 right-handed 52:14 River 27:9 Riverview 27:10 27:10 road 16:22 26:19,19 27:2 27:4,4,9 ROB 5:7
<b>M</b>	<b>O</b>		<b>Q</b>	
M 5:1 machines 10:3 main 9:20 married 28:9 Mathis 1:17 4:15 6:4 7:4,7 51:11 53:3 means 54:9 meant 43:4 mention 37:2 mess 21:7 messed 39:9,11 met 22:9 middle 1:2 2:2 40:22 Mill 9:6 MONTGOM... 54:4 month 28:7 months 8:18,20 9:8 27:18 39:17 52:3 mother's 10:16	O 2:13 objections 3:9 3:12 occur 26:16 occurred 16:12 offered 3:14 offices 2:20 oh 14:12 35:5,10 50:8 Okay 19:15 26:23 old 15:11 27:22 49:20 once 10:22 11:5 13:9 33:5 35:13 49:16 Opelika 10:13 open 19:6 oral 1:17 original 1:17 outside 15:16 16:1,14 50:15 overhearing 47:15 o'clock 47:1			
<b>N</b>	<b>P</b>		<b>R</b>	
N 2:13 4:1 6:1 name 7:10 8:3 27:1,3,7 41:21 necessary 3:8 needed 9:20 neither 54:15 never 15:3 31:3 36:23 39:1 44:3 NICK 4:9	P 2:13 4:1,1 PAGE 6:3 pale 24:2 panic 37:18 paramedic 35:20 PARK 4:6		R 4:1 54:1 raking 15:18,20 17:7 49:4 Ralph 14:9 15:8 22:14 25:2 28:21 33:6,10 34:9 37:20 47:11 48:3 Ralph's 33:13 33:15 ran 23:12,20 24:5 25:5 read 46:2 reading 3:1 real 27:3 really 12:7 15:7 19:22 25:13 29:5 30:16 31:3,9,22 34:11,18,22,23	

367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660

**FREEDOM COURT REPORTING**

Page 59

<b>robots</b> 10:9	<b>seconds</b> 17:13	<b>Shorthand</b> 2:18	26:22	30:18,19 43:5
<b>RODGERS</b> 5:7	21:19 37:11	<b>shot</b> 11:19 12:1	<b>Southern</b> 51:22	<b>surgeries</b> 43:19
<b>ROSE</b> 4:16	<b>sedated</b> 38:20	12:3,4 17:17	52:7	<b>sworn</b> 7:2
<b>Rule</b> 1:13	<b>see</b> 10:21 11:4,9	17:19 18:1,3	<b>space</b> 19:3,6	<b>T</b>
<b>rules</b> 1:14 3:5	16:18 17:14	18:17 19:20	<b>spoken</b> 44:16	<b>T</b> 2:13,13 54:1,1
14:18 29:19	18:7 23:15	20:8 24:6,9	<b>standing</b> 19:16	<b>take</b> 51:11
31:15,19	25:11 31:3,17	29:10 32:5,8	<b>start</b> 44:11 47:2	<b>taken</b> 1:18 2:17
<b>run</b> 23:10 24:2	32:2 38:14	34:5,16 41:4	<b>started</b> 17:23	51:14 54:7
25:9,14,22	44:4 46:11	42:13,14 48:2	22:2,7,9 24:12	<b>talk</b> 29:3 34:19
<b>running</b> 10:3	49:21	48:3,11,13,14	28:8 33:3 39:6	34:22 37:20
22:9,22 24:12	<b>seen</b> 22:22 29:14	52:10	52:2	38:15 42:7,10
24:21,22	29:16 31:6,8	<b>shotgun</b> 12:8	<b>state</b> 7:9 54:3	42:21 43:20,22
<b>S</b>	31:12	20:10 32:5,8	<b>statement</b> 44:12	44:5,8 45:4,12
<b>S</b> 2:13 4:1	<b>sent</b> 8:12	34:6	44:16	45:17 46:4,7
<b>safety</b> 14:18	<b>September</b> 1:19	<b>shotguns</b> 13:14	<b>STATES</b> 1:1 2:1	<b>talked</b> 32:4 36:3
15:2,10 29:19	2:21	<b>shots</b> 49:11,12	<b>stayed</b> 16:1	36:16 43:14
31:15,19,23	<b>seven</b> 9:8	49:13	<b>stenotype</b> 54:8	44:19
<b>sales</b> 10:8	<b>seventeen</b> 49:23	<b>showed</b> 45:21	<b>step</b> 11:10 22:14	<b>talking</b> 31:20,21
<b>saw</b> 21:3,4 23:12	<b>sheeting</b> 10:2	46:11	<b>Stevens</b> 9:5	35:16,18 36:2
38:2,4,14	<b>shells</b> 17:16	<b>showing</b> 17:19	<b>stiff</b> 24:8	44:2,11 47:12
48:18	18:16 20:22	18:18	<b>STIPULATED</b>	49:14 52:6
<b>saying</b> 17:11	21:5	<b>signature</b> 3:1	2:14,23 3:7,16	<b>talks</b> 43:14
21:11 23:22,23	<b>shirt</b> 22:18	<b>sir</b> 7:14 8:7	<b>stipulations</b> 7:6	<b>target</b> 13:17
24:17 31:23	33:18	10:15,17,20	<b>store</b> 47:20	14:2
35:5,6,9,10	<b>shoot</b> 11:16 12:6	13:5 14:4,19	<b>straight</b> 23:1	<b>targets</b> 18:19
36:7,8 37:17	12:17 13:1,8	28:5 49:5	33:19	47:14
38:23 41:15	13:10,16,19	52:15	<b>stroke</b> 26:13	<b>taste</b> 50:23 51:9
49:18	14:1 17:21	<b>sister</b> 10:16,18	<b>study</b> 8:5	<b>tasted</b> 50:21
<b>sayings</b> 35:11	18:2 19:3,23	10:23 11:1	<b>stuff</b> 7:21 8:13	51:7
<b>says</b> 41:19	29:7,14,17,22	28:9,11 35:22	8:14 9:22 10:2	<b>taught</b> 14:17,20
<b>scared</b> 32:21	31:4,5,7,8,10	37:20	15:11 17:20	14:23 29:18
<b>school</b> 7:23	31:10,12 36:10	<b>six</b> 8:18,20	18:16 30:3	31:14
51:18	41:9 47:13	<b>Sixteen</b> 49:22,23	32:1 35:20	<b>tea</b> 50:5
<b>schooling</b> 8:13	48:1 52:16,17	<b>slashing</b> 9:21	50:15 52:4,6	<b>teach</b> 14:22 15:9
<b>scream</b> 22:16	52:20	<b>small</b> 30:16	<b>subpoena</b> 45:1,3	<b>tell</b> 12:7 15:15
25:7	<b>shooting</b> 13:17	<b>smaller</b> 30:21	46:8	17:10 34:2
<b>screamed</b> 22:16	16:4,22 17:3	<b>somebody</b> 25:23	<b>subpoenas</b>	36:14 40:23
<b>screaming</b> 17:10	17:17 18:19,21	38:6	45:22	43:11 52:4
21:14 22:8,13	19:5,9,10 20:2	<b>son</b> 28:10,13	<b>SUITE</b> 4:18 5:3	<b>telling</b> 34:8
24:20,22 32:16	20:4,13 23:3	29:13 31:3	<b>summer</b> 15:17	35:12 37:22
32:23	31:1,18 32:2	41:10 42:3	<b>summertime</b>	38:7,22 39:3
<b>SE</b> 2:21 4:11	37:15 47:2	51:6	15:16	40:17 41:2
<b>second</b> 46:14	48:12 49:6,8	<b>sons</b> 11:10	<b>supposed</b> 39:18	<b>tells</b> 30:10
	<b>short</b> 51:13	<b>sorry</b> 8:23 9:17	<b>sure</b> 16:21 21:6	

**367 VALLEY AVENUE****(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

**FREEDOM COURT REPORTING**

Page 60

<b>ten</b> 17:13 21:18 37:10	20:14,17,18 21:8 24:11 27:22 30:17,22 32:3,7,19 36:3 37:9 38:20 41:16 45:16 46:16,16 47:18 48:18 49:7,20 50:21	<b>twice</b> 11:5 <b>two</b> 11:10 16:3 20:4,7 23:5 27:19 32:10 46:23 50:6	34:1,7,21 42:8 50:18 <b>weaver</b> 9:19 <b>weaving</b> 9:21 10:2 <b>week</b> 10:22 11:5 <b>weld</b> 10:10,10 <b>Weldon</b> 1:16 2:18 54:21 <b>went</b> 14:14 15:23 16:20 17:18 32:3,9 33:17,18,19,22 36:17 37:6 38:1,18 39:23 40:2 48:8,10 48:16 <b>weren't</b> 17:17 38:12 47:18 <b>West</b> 9:5,18 <b>We're</b> 53:3 <b>we've</b> 45:22 <b>white</b> 24:1 <b>wise</b> 54:16 <b>wish</b> 42:20 <b>witness</b> 3:2 54:13 <b>wobbly</b> 36:11,14 36:21 <b>wondering</b> 51:21 <b>woods</b> 19:1,7,11 19:14 38:4 <b>Wooten</b> 2:20 4:9 4:10 <b>work</b> 9:2,9 <b>worked</b> 9:4,5,7 9:14 <b>working</b> 9:3 29:8 52:8 <b>wouldn't</b> 19:3 19:20 22:19 30:14 36:5,9 36:20	<b>wreck</b> 25:12,16 26:17 <b>wrong</b> 23:5 <hr/> <b>X</b> <hr/> <b>X</b> 6:1 <hr/> <b>Y</b> <hr/> <b>yard</b> 29:8 49:4 50:16 <b>yards</b> 22:4 23:6 <b>year</b> 9:15 51:19 52:1 <b>years</b> 9:6 14:12 <b>yelling</b> 38:3 <b>younger</b> 10:23 11:1 <b>y'all</b> 45:8,17 <hr/> <b>0</b> <hr/> <b>03</b> 16:12 <hr/> <b>1</b> <hr/> <b>10</b> 2:20 4:11 <b>1100</b> 4:6 5:3 <b>15</b> 1:15 <b>15th</b> 16:12 <b>19th</b> 1:18 2:22 <b>1959</b> 7:16 <b>1978</b> 9:11 <b>1988</b> 1:15 <hr/> <b>2</b> <hr/> <b>2nd</b> 2:20 4:11 <b>2:30</b> 2:22 <b>2003</b> 9:11 <b>2005</b> 9:16 <b>2007</b> 1:19 2:22 9:17 <b>2100</b> 5:3 <b>22</b> 13:13 <hr/> <b>3</b> <hr/> <b>3RD</b> 5:3 <b>3:06-CV-0071...</b>
<b>tendons</b> 23:18 <b>terrible</b> 25:12 <b>test</b> 8:14 <b>testified</b> 7:2 <b>testimony</b> 1:18 54:12 <b>testing</b> 7:21 8:6 9:1 <b>Thank</b> 53:2,3 <b>Thanksgiving</b> 51:3,3 <b>thereto</b> 3:15 54:9 <b>thing</b> 8:19 21:2 21:4 22:5 39:8 41:2 45:2,10 <b>things</b> 10:11 11:13 15:5 <b>think</b> 8:2,18 9:15 19:8,18 20:5,6,16,17 25:6,19 26:13 27:6 31:22,23 32:18 34:15 35:19 38:17 47:6,8,11,19 47:23 48:4,8 50:3,20,21 51:2,4,5 52:2 <b>thinking</b> 22:3 <b>thirteen</b> 27:23 <b>thought</b> 42:16 42:17 43:5 45:7,7,23 <b>three</b> 20:7 23:6 27:19 39:17 <b>thrown</b> 26:7 <b>time</b> 3:13,13 12:1,2,4,22 13:21 14:13,14 14:14 17:4,18 18:1,8 20:13	<b>times</b> 31:6,9 <b>today</b> 43:6 <b>TODD</b> 5:1 <b>told</b> 16:11 17:5 21:5 34:4,6 36:19 37:1,23 39:22 42:13,14 43:12,12 45:10 46:8 <b>TOWER</b> 4:6 <b>town</b> 47:19 <b>transcribed</b> 54:9 <b>transcript</b> 1:17 54:12 <b>transcription</b> 54:10 <b>travel</b> 27:5 <b>tree</b> 48:12 <b>trial</b> 3:13 <b>tried</b> 13:21 <b>trigger</b> 52:17 <b>truck</b> 18:12 22:21,23 26:6 26:7 33:7,11 33:13,14,15 34:10 <b>true</b> 54:11 <b>trying</b> 16:1,17 24:2 25:14,21 25:22 29:9 36:4,10 47:13 <b>turned</b> 17:6,22 18:4 21:1,10 22:1,6 <b>twenty-five</b> 9:6	<b>U</b> <hr/> <b>U</b> 2:13 <b>underneath</b> 19:16 <b>Union</b> 51:22 52:7 <b>UNITED</b> 1:1 2:1 <b>University</b> 8:9 <b>upset</b> 35:11 <b>use</b> 30:11 <b>Usual</b> 7:5 <b>Usually</b> 12:23 50:5 <hr/> <b>V</b> <hr/> <b>Valley</b> 26:18 <b>video</b> 11:15,16 <b>VILLAGE</b> 4:18 <b>vs</b> 1:7 2:7 <hr/> <b>W</b> <hr/> <b>waived</b> 3:2,18 <b>walk</b> 21:2 <b>walked</b> 17:1 21:19 48:15,19 <b>walking</b> 22:2 32:15 <b>wanted</b> 46:11 <b>wasn't</b> 19:22 22:19 23:19 41:18 <b>watch</b> 15:23 <b>watched</b> 12:17 12:19 30:11 <b>watching</b> 16:7 17:7 50:14 <b>water</b> 26:19 50:6 <b>way</b> 19:4 23:15	<b>were</b> 17:17 38:12 47:18 <b>West</b> 9:5,18 <b>We're</b> 53:3 <b>we've</b> 45:22 <b>white</b> 24:1 <b>wise</b> 54:16 <b>wish</b> 42:20 <b>witness</b> 3:2 54:13 <b>wobbly</b> 36:11,14 36:21 <b>wondering</b> 51:21 <b>woods</b> 19:1,7,11 19:14 38:4 <b>Wooten</b> 2:20 4:9 4:10 <b>work</b> 9:2,9 <b>worked</b> 9:4,5,7 9:14 <b>working</b> 9:3 29:8 52:8 <b>wouldn't</b> 19:3 19:20 22:19 30:14 36:5,9 36:20	<b>wreck</b> 25:12,16 26:17 <b>wrong</b> 23:5 <hr/> <b>X</b> <hr/> <b>X</b> 6:1 <hr/> <b>Y</b> <hr/> <b>yard</b> 29:8 49:4 50:16 <b>yards</b> 22:4 23:6 <b>year</b> 9:15 51:19 52:1 <b>years</b> 9:6 14:12 <b>yelling</b> 38:3 <b>younger</b> 10:23 11:1 <b>y'all</b> 45:8,17 <hr/> <b>0</b> <hr/> <b>03</b> 16:12 <hr/> <b>1</b> <hr/> <b>10</b> 2:20 4:11 <b>1100</b> 4:6 5:3 <b>15</b> 1:15 <b>15th</b> 16:12 <b>19th</b> 1:18 2:22 <b>1959</b> 7:16 <b>1978</b> 9:11 <b>1988</b> 1:15 <hr/> <b>2</b> <hr/> <b>2nd</b> 2:20 4:11 <b>2:30</b> 2:22 <b>2003</b> 9:11 <b>2005</b> 9:16 <b>2007</b> 1:19 2:22 9:17 <b>2100</b> 5:3 <b>22</b> 13:13 <hr/> <b>3</b> <hr/> <b>3RD</b> 5:3 <b>3:06-CV-0071...</b>

**367 VALLEY AVENUE**  
**(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**



**FREEDOM COURT REPORTING**

Page 61

1:8 2:8 35203 4:7 5:4 35209 4:19 36862 4:12 <hr/> 4 4 9:11 <hr/> 5 5(d) 1:13 51 6:5 569 4:18 <hr/> 6 6 9:17 <hr/> 7 7 6:4 9:17 77 7:19 79 9:11 <hr/> 9 9th 7:16 901 4:18				
--	--	--	--	--

**367 VALLEY AVENUE  
(205) 397-2397 BIRMINGHAM, ALABAMA 1-877-373-3660**

# **EXHIBIT G**

**Engineering Consultants Inc.**

158 Cook Lane  
Center Point, Texas 78010

Phone 830-634 7250

Fax 830-634 7240 E-Mail

Mr. David Hodge  
Pittman, Hooks, Dutton, Kirby and Hellums PC  
Attorneys at Law  
1100 Park Place Tower  
Birmingham, Alabama 35203

20 November 2005

Re: Brian Bonner Firearms Injury Accident  
Norinco Model 98 12 Gage Shotgun  
Case No. 40702  
ECI File No. 8564

Dear Mr. Hodge:

It is reported that Mr. Brian Bonner attempted to fire his Norinco Model 98 12 gage 18 inch barrel shotgun, serial number 0016971, by pulling the trigger with its chamber loaded and its safety on "Fire". As he did so, he heard a distinct click but the gun did not fire. When he noticed that the barrel was loose and slipping forward, Mr. Bonner caught the barrel to prevent it falling off and pulled it back into the action whereupon the gun discharged and severely injured his hand.

Upon examination of the subject shotgun it was found that the barrel stud intended to retain the barrel in its proper location in the assembled gun had failed through its soldered joint on the barrel. Examination under magnification revealed that the separated solder joint had failed due to inadequate solder flow and adherence in the interface between the stud and the barrel. Numerous voids and flow faults were evident indicative of improper parts cleaning and fluxing techniques. The attachment of the stud to the barrel was thereby weakened and compromised the integrity of assembly of a nearly new shotgun which showed no signs of abuse, misuse or modification.

The barrel extension locking recess and bolt locking block showed no sign of damage or deterioration other than very minor normal wear. Firing of the gun prior to the accident is therefore judged to have been normal and with the bolt properly locked.

The Winchester-Western "Low Brass" #7 1/2 Factory shot shell fired at the time of the accident was normal in appearance with a moderately flattened battery cup primer and no damage to its plastic case walls or case head reinforce. The shell may therefore be seen to have been fully supported by the barrel chamber and bolt face at the time of firing and to have been subjected to no catastrophic stress or excessive pressure.

The design of the Norinco Model 98 pump shotgun is copied in detail from the Remington Model 870 pump shotgun and employs all of the operating features and mechanical interlocks of the original Remington. Among these features are a spring loaded inertial firing pin and a firing pin block implemented by the bolt locking block that requires that the bolt locking block be fully inserted in its locking recess in the barrel extension before the firing pin will protrude sufficiently to contact the primer of a chambered shell. The spring loaded inertial firing pin is shorter than the channel in the bolt in which it operates so an energetic blow on the head of the firing pin, normally delivered by the impact of the hammer when the trigger is pulled, is required

to drive the firing pin forward against the force provided by its partially compressed retraction spring so as to cause the firing pin to protrude beyond the face of the bolt. Examination of the shotgun fire control assembly showed it to be clean and lightly lubricated with sharp square hammer hook and sear engagements of adequate angle and depth. There were no signs of damage, unusual or disabling wear or post manufacture modification, misuse or abuse. All springs were in place, of proper configuration and functioning correctly.

An inert shot shell was prepared with a live primer and loose paper wad but no propellant charge, wad or shot and was inserted in the subject shotgun chamber with the shotgun uncocked and its safety on "Fire". With the hammer full forward in the uncocked or "fired" condition, the barrel was pulled forcibly to the rear to replicate the reported circumstances of the incident. When this was done, the chambered inert shell suffered no marking on the live primer. Since the condition of the subject shell indicates that it was fully chambered and supported by the bolt face at the time of discharge, it follows that at time of firing, the bolt locking block was fully inserted in the barrel extension locking recess and the firing pin blocking function consequently was not activated. Under the test conditions there was insufficient impact force applied to the fired hammer face resting against the firing pin head to cause the firing pin tip to protrude and indent the primer. It should also be noted that should the barrel be located too far forward to enable the bolt locking block to fully engage in the barrel extension locking recess, the ejector spring will escape to protrude behind the rear of the bolt and prevent the hammer face from contacting the head of the firing pin at all. It may therefore be shown that at the time of the discharge the shotgun bolt was locked "in battery" with the gun cocked, chamber loaded, its safety on "Fire" and the bolt locking block fully engaged in the barrel extension locking recess. Under these conditions the inert test shot shell experienced a sufficiently indented primer to cause it to "fire" when a 3 1/2 pound pull was applied to the trigger.

It is my opinion that the distinct click heard by Mr. Bonner just prior to the accident was caused either by the breakage of the faulty barrel stud solder joint or by the loose stud and ring sliding on the magazine tube. It is my opinion that the firearm discharged during Mr. Bonner's attempt to prevent the barrel from falling off due to an inadvertent trigger pull occasioned by the barrel suddenly and unexpectedly breaking off the gun.

The barrel broke off the shotgun due to a manufacturing defect. That defect was a faulty solder joint holding the barrel retaining stud and ring in place.

It is my opinion that the defective barrel retention means on the subject shotgun rendered it unfit for its originally intended design and purpose and created a concealed and unreasonably dangerous condition which would not be anticipated by a user of the gun who was using it in a normal and foreseeable way and that this defect caused the injury of Mr. Brian Bonner.

If I may be of further service please contact me.

Very truly yours

John T. Butters PE